

Cont.P. Nos.1055, 1261 to 1263 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 17.09.2019

Coram

THE HONOURABLE MR.JUSTICE T. RAJA

Contempt Petition Nos.1055, 1261 to 1263 of 2019
and Sub Application Nos.357, 359, 360 and 355 of 2019

Bhagavath Singh ... Petitioner in Cont. P.
No.1055 of 2019 &
Sub Application No.357 of 2019

P.Gnanasekaran ... Petitioner in Cont.P.
No.1261 of 2019 &
Sub Application No.359 of 2019

Pakirisamy ... Petitioner in Cont.P.
No.1262 of 2019 &
Sub Application No.360 of 2019

Narayanasamy ... Petitioner in Cont.P.
No.1263 of 2019 &
Sub Application No.355 of 2019

Versus

1.S.Suresh Kumar,
The District Collector/
Land Arbitrator,
Office of the District Collectorate,
Nagapattinam,
Nagapattinam District.

2.Manimegalai,
The Special District Revenue Officer,
(Land Acquisition),
Office of the Collectorate,
Thiruvarur Post,
Thiruvarur District.

... Respondents in all cases

Prayer in all cases: Petitions filed under Section 11 of the Contempt of Courts Act 1971 to punish the respondents for their disobedience of the order of this Court dated 22.02.2018 passed in W.P. Nos.6970, 31974, 31976 and 31975 of 2017.

Sub Application Nos: 357, 359, 360, 355 of 2019:

To allow the Contempt Petitioner to implead the proposed 3rd respondent as necessary party in the above said Contempt Petition Nos.1055 of 2019, 1261, 1262, 1263 of 2019.

For Petitioners in all cases : Mr.G.Thangavel

For Respondents in all cases : Mr.M.Elumalai,
Government Advocate

COMMON ORDER

When the matters are taken up for hearing, learned Government Advocate would submit that this Court by judgment dated 01.04.2019 in W.A. No.2693 of 2018, while allowing the writ appeal, permitted the writ petitioners therein to raise all the issues in the pending application before the District Collector, Salem, i.e. claim for additional market value, solatium and interest. He would further submit that as per Section 3-G(5) of the National Highways Act, 1956, if the amount determined by the competent authority under sub section (1) or sub section (2) has not been acceptable, on application by either of the parties, the amount shall be determined by the Arbitrator to be appointed by the Central Government.

2.A perusal of the above judgment would show that this issue has to be necessarily adjudicated by the appropriate authority namely, the District Collector while exercising

his powers as an Arbitrator appointed by the Central Government for dealing with the claim for enhanced compensation. It is relevant to extract para 14 of the above judgment as under:

'...This issue has to be necessarily adjudicated by the appropriate authority namely the District Collector while exercising his powers as an Arbitrator appointed by the Central Government for dealing with the claim for enhanced compensation.'

3. Similarly, Section 3-G(5) of the National Highways Act, 1956 is extracted as under:

'3-G(5) If the amount determined by the competent authority under sub section (1) or sub section (2) is not acceptable, either of the parties, the amount shall, on an application by either of the parties, be determined by the Arbitrator to be appointed by the Central Government.'

4. A reading of the above Section would show that if the amount determined by the competent authority under sub section (1) or sub section (2) is not acceptable, on application made by either of the parties, the same shall be determined by the Arbitrator to be appointed by the Central Government.

5. In the light of the above, the petitioners are permitted to move an application along with a copy of the

Award and other documents for determining the additional market value, solatium and interest before the District Collector, who was appointed by the Central Government as a Land Arbitrator. The same shall be considered by the District Collector/Arbitrator within a period of three weeks from the date of receipt of a copy of this order. With the above directions, the Contempt Petitions are disposed of. In view of this order, the Sub Applications are closed.

SD/-

ASSISTANT REGISTRAR (COMM. CASES)

VGA

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/10/10/2019

To

1. The District Collector/
Land Arbitrator,
Office of the District Collectorate,
Nagapattinam,
Nagapattinam District.

2. The Special District Revenue Officer,
(Land Acquisition),
Office of the Collectorate,
Thiruvarur Post,
Thiruvarur District.

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