

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 07.06.2019****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.No.15391 of 2019**

M.Manokaran ... Petitioner

Vs.

1.The District Collector/ Arbitrator,
Cuddalore District, Cuddalore.2.The Special District Revenue Officer/
Competent Authority, (Land Acquisition), NH-227
Cuddalore, Cuddalore District. ... Respondents**Prayer:**

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to dispose the Statuary two Appeals filed U/s.3-G(5) of National Highways Act by the petitioner on 04.03.2019 within a stipulated time as this Hon'ble Court may fix.

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For Petitioner : Mr.C.Prakasam
For Respondents : Mr.M.Elumalai for R1
Government Advocate
Mr.Richardson Wilson
for P.Wilson Associates
for NHA

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus, directing the first respondent to dispose the two statutory appeals filed U/s.3-G(5) of National Highways Act by the petitioner on 04.03.2019 within a stipulated time.

2.The petitioner is the owner of the land situated in R.S.Nos.111/3B2, 111/4A2, 111/4B2, 111/5B, 111/6B, 111/7 and 113/1B2, Kurungudi Village, Kattumannarkoil Taluk, Cuddalore District and in R.S.Nos.149/5B3 and 150/6B, Veerananallur Village, Kattumannarkoil Taluk, Cuddalore District. The second respondent acquired the petitioner's land to the extent of 4396 sq.meter and 1683 sq.meter respectively in the above said survey numbers for the purpose of four way National Highways.

3.In continuation of the acquisition proceedings, the second respondent passed award in her proceedings in Na.Ka.N.H/Ni.A/A/45/2016, dated 25.06.2018 and Na.Ka.A/N.H/15/2015, dated 27.06.2018 fixing the compensation to the tune of Rs.15808.95 per sq.meter for R.S.No.111/3B2, Rs.19632.51 per sq.meter for R.S.No.111/4A2, Rs.11691.27 per sq.meter for

R.S.No.111/4B2, Rs.51323.94 per sq.meter for R.S.No.111/5B, Rs.88750.71 per sq.meter for R.S.No.111/6B, Rs.22059.00 per sq.meter for R.S.No.111/7 and Rs.113971.50 per sq.meter for R.S.No.113/1B2, Rs.81876.41 per sq.meter for R.S.No.149/5B3 and Rs.28982.80 per sq.meter for R.S.No.150/6B.

4. Aggrieved by the said award, the petitioner preferred two appeals under Section 3-G(5) of National Highways Act before the first respondent on 04.03.2019, however, till date, no order has been passed, against which, the present writ petition has been filed.

5. Heard both sides.

6. The learned counsel appearing for the petitioner would submit that without going into the merits of the case, it would suffice if a direction is issued to the District Collector to dispose of the appeal within the reasonable time fixed by this Court.

7. However, on perusal of Section 3-G(5) of National Highways Act makes it clear that if any award was passed by the Special Officer,

the aggrieved party may file claim petition before the Arbitrator appointed by the Central Government. In each of the cases, the District Collector is appointed as Arbitrator by the Central Government. The petitioner instead of filing claim petition, filed appeal which is non est in law.

8.Hence, this Court directs the petitioner to file claim petition before the Arbitrator/ District Collector so as to enable the Arbitrator to pass award. With the above direction, the writ petition is disposed of. No costs.

07.06.2019

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Speaking Order/ Non Speaking Order

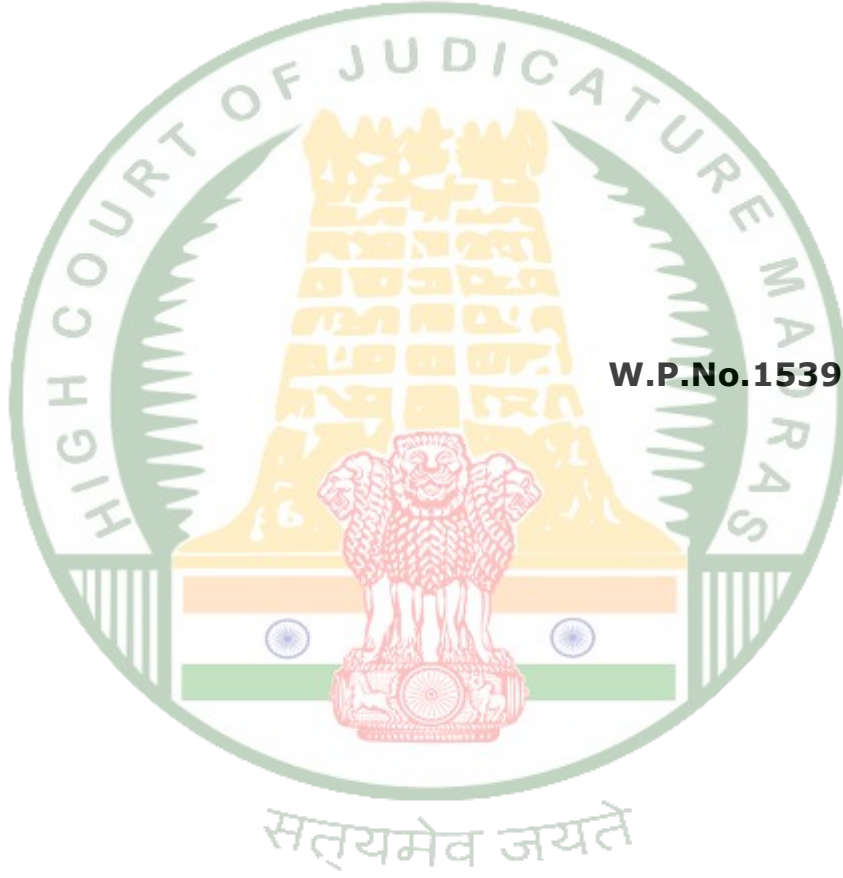
Index: Yes/ No

Internet: Yes/ No

To

- 1.The District Collector/ Arbitrator,
Cuddalore District, Cuddalore.
- 2.The Special District Revenue Officer/
Competent Authority, (Land Acquisition), NH-227
Cuddalore, Cuddalore District.

M.DHANDAPANI,J.
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