

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 12.07.2019

PRONOUNCED ON : 17.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.17376 of 2019 and
W.M.P.No.16870 of 2019

1.Tmt.Madhammal
2.V.Chellamuthu
3.C.Velumani
4.N.Nachimuthu,
5.Tmt.Mani
...

Petitioners

Vs

1.The District Collector,
Salem District,
Collectorate, Salem.

2.The Competent Authority and
Special District Revenue Officer (LA),
N.H.7, 46, 47, Salem - Krishnagiri Districts @
Krishnagiri, No.443, Bengaluru Road,
Ex.Servicemen Welare Board 1st Floor,
Krishnagiri - 635 001.

... Respondents

Prayer :- This Writ Petition is filed under Article 226 of the Constitution of India for a writ of Mandamus directing the first respondent to pass orders on the claim petitions of the petitioners in arbitration case Nos.727, 728, 730, 731 and 733 of 2009 on merits and in accordance with law within the prescribed time limit by taking into account the expert evidence and documents filed on behalf of the petitioners and the representation of the petitioners dated 04.06.2019 sent through their counsel.

For petitioners

:Mr.C.Kulanthaivel

For Respondents

:Mr.D.Raja,
Additional Government Pleader

ORDER

The petitioners averment is that, they are all residents of Mangaragam Palayam, Veerachipalayam Agraharam Village, Sankari West and Taluk, Salem District and they are the land/building owners abutting the National Highways No.47. Their lands were acquired for road expansion in the year 2006-2007 under Section 3(A) of the National Highways Act, 1956. Despite their objections, the lands were acquired but, the compensation was not paid as envisaged under Section 3(G)(7) of the National Highways Act, 1956. The quantum of compensation was fixed arbitrarily and orders were passed on 05.12.2008 and paid on 04.03.2009. The same was received by the petitioners under protest and had made claim petitions for enhanced compensation to the first respondent. The first respondent has taken the claim petitions on file and pending for the past 10 years.

2. In the enquiry conducted by the first respondent, the petitioners have participated and produced documents along with Expert opinion, regarding valuation. The petitioners apprehend that the first respondent will not consider the valuation given by the Independent Experts but only, go by Public Works Department valuation while fixing the market value. Hence, they have preferred this writ petition to issue writ of mandamus directing the first respondent to pass orders on claim petitions in Arbitration Case Nos.727, 728, 730, 731 and 733 of 2009 filed by them, in accordance with law, within a prescribed time limit by taking into account the expert evidence and documents filed by the petitioners.

3. The learned Additional Government Pleader representing the respondents took notice and on instruction informed this Court that, the enquiry in the arbitration proceeding almost completed and based on the records and valuation report, appropriate orders will be passed in due course.

4. It is very unfortunate that the arbitration proceedings in a land acquisition matter being kept pending for more than 10 years. Now, the apprehension of the petitioners is that, their claim petitions may not be considered properly and their evidence regarding the market value will not be taken into account. In these circumstances, it is directed that the first respondent is duty bound to dispose of the claim petitions of the petitioners in arbitration case Nos.727, 728, 730, 731 and 733 of 2009, within a reasonable time, not exceeding two months from the date of receipt of a copy of this order and while considering their claim petitions, the documents and evidence adduced by the claimants should also be considered for arriving at the value of the lands/buildings.

5.With the above direction, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(Insp.Cell)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
Salem District,
Collectorate, Salem.

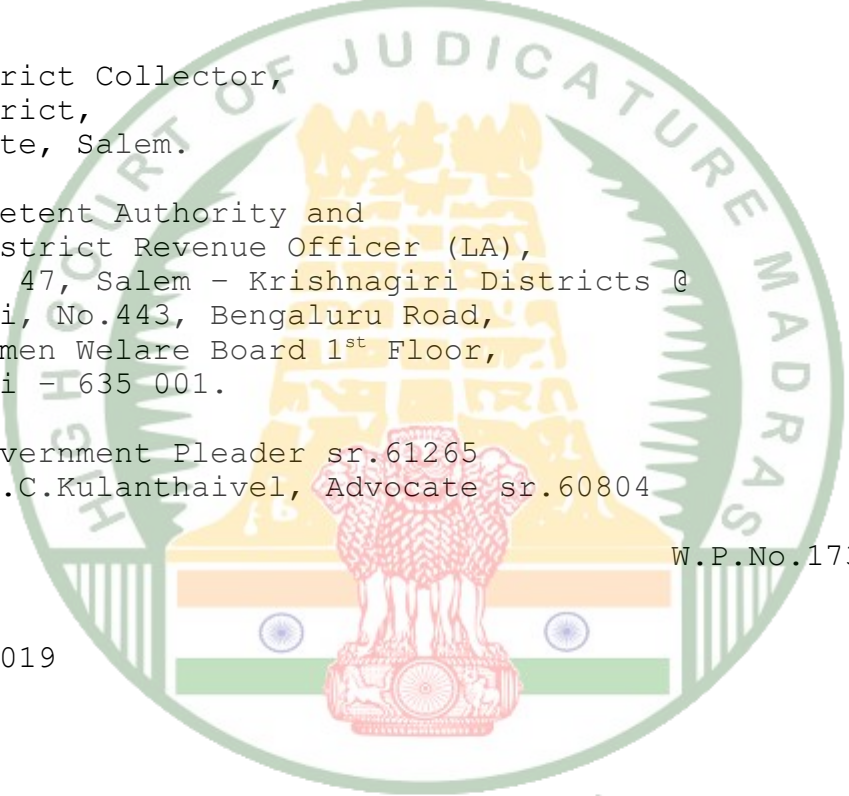
2.The Competent Authority and
Special District Revenue Officer (LA),
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Krishnagiri, No.443, Bengaluru Road,
Ex.Servicemen Welare Board 1st Floor,
Krishnagiri - 635 001.

+1cc to Government Pleader sr.61265

+1cc to Mr.C.Kulanthaivel, Advocate sr.60804

W.P.No.17376 of 2019

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