

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.30031 of 2019

Nagendra Kannan

.. Petitioner

/versus/

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Special District Revenue Officer(Land Acquisition),
No.45 A, National Highways,
Villupuram, Villupuram District.

3.The Special Tahsildar,
Land Acquisition,
National Highways 45 A,
Villupuram,
Villupuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, directing the first respondent herein to dispose the representation dated 13.08.2018 and 19.08.2019 with the stipulated period prescribed by this Court.

For Petitioner : Mr.A.Kumanaraja

For Respondents : Mr.D.Raja, AGP

O R D E R

By consent, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner's father was the owner of land and building in Survey No.53A/4B at Kandamangalam Village, Villupuram District. A portion of the land was acquired for extension of National Highways No.45A, Villupuram-Pondicherry, Cuddalore-Nagapattinam division.

3. The grievance of the petitioner is that the award of compensation for the land acquired was passed on 01.11.2018, which was not adequate and in consonance with the provisions of law. For awarding enhanced compensation a representation has been given to the 2nd respondent, which was not properly considered. Meanwhile the petitioner's father died. Therefore, he has given a fresh representation to the 1st respondent, who is the Arbitrator, as per the Act, to consider the grievance

arising out of compensation award. The present writ petition is filed seeking Mandamus to direct the 1st respondent to dispose the representations of the petitioner dated 13.08.2018 and 19.08.2019 within stipulated period.

4. Section 3G(5) of National Highways Act, 1956 contemplates arbitration proceedings. In case the parties are not satisfied with the award under the Act the concerned District Collector shall act as an Arbitrator. In this case, aggrieved by the award in exercise of right under Section 3G (5) of the Act, the petitioner has given a representation to the Collector. Since the representation has not disposed so far, the present writ petition is filed.

5. In such circumstances, it is suffice to direct the 1st respondent to take up the representation dated 13.08.2019 and 19.08.2019 and dispose the same within a period of six months from the date of receipt of copy of this order.

6. With the above directions, this writ petition is disposed of. No costs.

Rpl

22/10/2019

Being Mentioned

This Petition coming on for hearing 'for Being Mentioned' to day pursuant to the order of this Court dated 27/01/2020 and made herein and in the pursuance of aforesaid counsel this Court made the following Order:-

Today, (i.e., 27.01.2020), this case is listed under the caption for "Being Mentioned"

2. The Learned Counsel appearing for the petitioner states that, in the order dated 22.10.2019, the time fixed for disposal of the petitioner's representation has been wrong mentioned as "six months" instead of "six weeks."

3. The Learned Additional Government Pleader for the respondents would submit that, the representation for arbitration under the National Highways Act, will require minimum period of three months. Taking note of the submission, the time granted for disposal of the petitioner's representation is modified as "three months", from today.

Bsm

27/01/2020

Sd/-

Assistant Registrar (CS-I)

//True Copy//

To

1.The District Collector,
Villupuram District,Villupuram.

2.The Tahsildar,
Special District Revenue Officer
(Land Acquisition),
No.45 A, National Highways,
Villupuram,
Villupuram District.

3.The Special Tahsildar,
Land Acquisition,
National Highways 45 A,
Villupuram, Villupuram District.

+1cc to Mr.A.Kumana Raja, Advocate, S.R.No. 88189

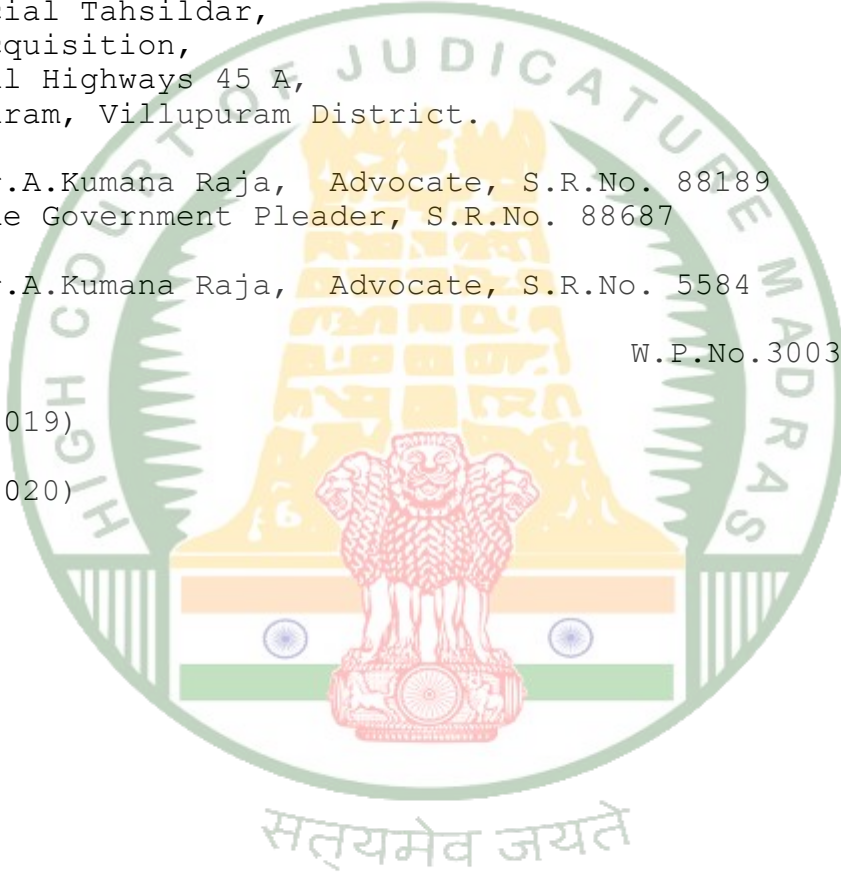
+1cc to the Government Pleader, S.R.No. 88687

+1cc to Mr.A.Kumana Raja, Advocate, S.R.No. 5584

W.P.No.30031 of 2019

RSI (CO)
GN(21/11/2019)

GN(28/01/2020)



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