

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.29194, 32599, 32602 & 32605 of 2018

P.Rathinam .. Petitioner in
W.P.No.29194 of 2018

S.Muthusamy .. Petitioner in
W.P.No.32599 of 2018

K.Palanisamy .. Petitioner in
W.P.No.32602 of 2018

M.Pachamuthu .. Petitioner in
W.P.No.32605 of 2018

Vs

1. Union of India,
Rep. by Secretary to Government,
Ministry of Shipping,
Road Transport and Highways,
Transport Bhavan,
No.1, Parliamentary Street,
New Delhi - 110 001.
2. The Arbitrator/Collector,
Salem,
Salem District.
3. The Competent Authority and
Special District Revenue Officer (LA)
N.H.7 & 47,
Salem - Dharmapuri Districts,
Krishnagiri,
Krishnagiri District.
4. The Regional Officer, N.H.A.I,
Shri Tower, III Floor, D.P.34 (SP)
Industrial Estate, Guindy,
Chennai - 600 032.
5. The Project Director, N.H.A.I.(N.H-7 & 47)
221, Shri Nagar Colony, Narasothipatty,
Salem Town,
Salem Taluk & District. .. Respondents in
all W.Ps

Prayer in W.P.No.29194 of 2018:- Writ Petition has been filed under Article 226 of Constitution of India, prayed to direct the respondents to decide the Arbitration application filed on 22.12.2008, under Section 3G (5) of N.H. Act, 1956 in A.P.No.626/B2/2008 and also an amendment petition dated 27.04.2018, pending before him by following the new provisions of 26,30 and 80 of the Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and Part II, Section 3, Sub-Section (ii) of Section 113 of the Act, 2015 of the Gazette of India dated 28.08.2015 and as per the instructions given in the No.11011/30/2015 LA dated 29th April, 2015 of the Director, Government of India, Ministry of Road Transport and Highways New Delhi and a letter of the DGM (LA & Coord) Lr.No.NHAI/11013/DGM (LA & Coord) 2015/FTS.3247/65906 dated 12.05.2015 by issuing an appropriate guidelines within certain prescribed time frame.

Prayer in W.P.No.32599 of 2018:- Writ Petition has been filed under Article 226 of Constitution of India, prayed to direct the respondents to decide the Arbitration application filed on 22.12.2008, relating to the extent of 3564 sq.mtr., acquired in S.No.195.2E2 of Manjakkalpatty Village, Sankari Taluk under Section 3G (5) of N.H. Act, 1956 in A.P.No.628/2008B2 and also an amendment petition dated 28.04.2018, pending before the Arbitrator by following the new provisions of 26,30 and 80 of the Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and Part II, Section 3, Sub-Section (ii) of Section 113 of the Act, 2015 of the Gazette of India dated 28.08.2015 and as per the instructions given in the No.11011/30/2015 LA dated 29th April, 2015 of the Director, Government of India, Ministry of Road Transport and Highways New Delhi and a letter of the DGM (LA & Coord) Lr.No.NHAI/11013/DGM (LA & Coord) 2015/FTS.3247/65906 dated 12.05.2015 by issuing an appropriate orders within certain prescribed time frame.

Prayer in W.P.No.32602 of 2018:- Writ Petition has been filed under Article 226 of Constitution of India, prayed to direct the respondents to decide the Arbitration application filed on 16.02.2009, relating to the extent of 8648 sq.mtr., acquired in S.No.19/1A2 of Aively Village, Sankari Taluk under Section 3G (5) of N.H. Act, 1956 in A.P.No.670/2009B2 and also an amendment petition dated 27.04.2018, pending before the Arbitrator, by following the new provisions of 26,30 and 80 of the Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and Part II, Section 3, Sub-Section (ii) of Section 113 of the Act, 2015 of the Gazette of India dated 28.08.2015 and as per the instructions given in the No.11011/30/2015 LA dated 29th April, 2015 of the Director, Government of India,

Ministry of Road Transport and Highways New Delhi and a letter of the DGM (LA & Coord) Lr.No.NHAI/11013/DGM (LA & Coord) 2015/FTS.3247/65906 dated 12.05.2015 by issuing an appropriate orders within certain prescribed time frame.

Prayer in W.P.No.32605 of 2018:- Writ Petition has been filed under Article 226 of Constitution of India, prayed to direct the respondents to decide the Arbitration application filed on 16.02.2009, relating to the extent of 6760 sq.mtr., acquired in S.No.23/1A2 of Aively Village, under Section 3G (5) of N.H. Act, 1956 in A.P.No.672/2009B2 and also an amendment petition dated 25.04.2018, pending before the Arbitrator, by following the new provisions of 26,30 and 80 of the Right to Fair Compensation and Transparency of Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and Part II, Section 3, Sub-Section (ii) of Section 113 of the Act, 2015 of the Gazette of India dated 28.08.2015 and as per the instructions given in the No.11011/30/2015 LA dated 29th April, 2015 of the Director, Government of India, Ministry of Road Transport and Highways New Delhi and a letter of the DGM (LA & Coord) Lr.No.NHAI/11013/DGM (LA & Coord) 2015/FTS.3247/65906 dated 12.05.2015 by issuing an appropriate orders within certain prescribed time frame.

For Petitioner in all W.Ps : Mr.V.Raghupathi

For Respondents : Mr. Su.Srinivasan
in all W.Ps. Additional Solicitor General for R1

: Mr.D.Raja
Additional Government Pleader
for R2 & R3

: Mrs. S.R.Sumathy,
for R5

सत्यमेव जयते

COMMON ORDER

This writ petition has been filed seeking a direction to the second respondent-District Collector cum Arbitrator to dispose the petitioners' application filed under Section 3G (5) of National Highways Act.

2. The grievance of the petitioners is that the petitioners' lands were acquired under the National Highways Act. Subsequently, award has also been passed and not being satisfied with the award, the petitioners have filed applications before the second respondent under Section 3G (5) of National Highways Act on 22.12.2008 and 16.02.2009. But, it was not disposed of for the past 10 years. Hence, the Writ Petition has been filed.

3. Today, when the matter is taken up for hearing, Mr.D.Raja, learned Additional Government Pleader, appearing for the respondents 2 and 3, on instructions, submitted that on 25.07.2008, enquiry was conducted by the second respondent and the petitioners have also appeared for the enquiry and after considering all the objections, the second respondent will pass suitable orders.

4. Considering the fact that the petitioners' applications are pending with the second respondent for more than 10 years, the second respondent is directed to consider the petitioners' application and pass suitable orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

5. With the above directions, the Writ Petition is disposed of. No costs.

Sd/--

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

dh/mrp

To

1. Union of India,
Rep. by Secretary to Government,
Ministry of Shipping,
Road Transport and Highways,
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No.1, Parliamentary Street, New Delhi - 110 001.

2. The Arbitrator/Collector, Salem, Salem District.

3. The Competent Authority and
Special District Revenue Officer (LA)
N.H.7 & 47,
Salem - Dharmapuri Districts,
Krishnagiri, Krishnagiri District.

4. The Regional Officer, N.H.A.I,
Shri Tower, III Floor, D.P.34 (SP)
Industrial Estate, Guindy,
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5. The Project Director, N.H.A.I.(N.H-7 & 47)
221, Shri Nagar Colony, Narasothipatty,
Salem Town, Salem Taluk & District.

+4cc to Mr. , Advocate SR.No. 1766 to 1769

+1cc to Mr. , Advocate SR.No. 1361

+1 CC TO GOVERNMENT PLEADER SR.NO. 2320

W.P.Nos.29194, 32599,

32602 & 32605 of 2018

A SK(21/02/2019)