



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.06.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.13875 of 2019

1.S.Devarajan

2.S.Natarajan

...Petitioners

-Vs-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The National Highway Authority of India,
G5 & 6, Sector-10, Dwarka,
New Delhi - 110 075.

3.The Authorised Officer and Special
District Revenue Officer,
(Land Acquisition - National Highways),
District Collector Office,
Ramanathapuram District.

4.The Competent Authority cum District
Revenue Officer,
Land Acquisition National Highways,
Sivagangai District.

5.The Special Tahsildar (Land Acquisition),
National Highway 210,
No.380, R.Manju Nilayam,
Thirupathoor Road,
Devakottai.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to decide the enhanced compensation at par with the similarly placed persons by following the provisions under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and observation of the Court's and Hon'ble Supreme Court for the acquisition of petitioners' land admeasuring 4170 sq. mtr. Situate in Karaikudi-Ramanathapuram National Highway-Kannankottai village, Survey No.189/8A of Sivagangai District and to pay the same to the petitioners by considering their representation dated 23.03.2019 made U/s-3(G) (5)



of the National Highways Act, 1956, within the period stipulated by this Court.

For Petitioners : Mr.A.Haja Mohideen

For Respondents : Mr.V.P.M.Vaishnavi, G.A.

For RR1, 3 to 5

Mr.Arul Vadivel @ Sekar, for R2

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ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to decide the enhanced compensation at par with the similarly placed persons by following the provisions under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and observation of this Court's and Hon'ble Supreme Court for the acquisition of petitioners' land admeasuring 4170 sq. mtr. Situate in Karaikudi-Ramanathapuram National Highway-Kannankottai village, Survey No.189/8A of Sivagangai District and to pay the same to the petitioners by considering their representation dated 23.03.2019 made U/s-3(G) (5) of the National Highways Act, 1956, within the period stipulated by this Court.

2.Heard Mr.A.Haja Mohideen, the learned counsel appearing for the petitioners and Mrs.V.P.M.Vaishnavi, learned Government Advocate appearing for the respondents 1, 3 to 5 and Mr.Arul Vadivel @ Sekar, learned standing counsel appearing for the 2nd respondent.

3.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

4.The petitioners, in respect of the acquisition of their lands for public purpose under National Highways Act, already received compensation determined by the Competent Authority. However, the quantum of the amount determined by the Competent Authority, according to the petitioners, is not adequate and therefore, aggrieved over the same, the petitioners preferred Arbitration Petition under Section 3(G) (5) of National High Ways Act, 1956 (hereinafter is referred to as "the Act") before the 1st respondent, District Collector, who is the Arbitrator under the said Act, on 18.03.2019. However, the said Arbitration petition is yet to be decided by the 1st respondent. Therefore, the petitioners are before this Court.

5.I have heard the learned counsel appearing for the respondents, especially, the learned Government Advocate appearing for the 1st respondent, who would submit that, the 1st respondent, being the Arbitrator, would decide the said Arbitration petition filed by the petitioners dated 18.03.2019, on merits and in accordance with law and accordingly, final order would be passed by

him, within a time frame to be stipulated by this Court.

6. Considering the said submission made by both sides, this Court is inclined to dispose of this writ petition, with the following direction:

The 1st respondent, being the Arbitrator, shall decide the said Arbitration Petition by way of representation dated 18.03.2019 filed by the petitioners, on merits and in accordance with law and final order to that effect shall be passed, within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The National Highway Authority of India,
G5 and 6 sector-10
Dwarka, New Delhi 110 075
3. The Authorised Officer and Special
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(Land Acquisition - National Highways),
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National Highway 210,
No.380, R.Manju Nilayam,
Thirupathoor Road,
Devakottai.



+1cc to Mr. A.HAJA MOHIDHEEN, Advocate, SR.No. 70158
+1cc to Mr.C.ARUL VADIVEL @ SEKAR, Advocate, SR.No. 70072
+1cc to M/s.Special Government Pleader, SR.No. 70642

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W.P. (MD) No.13875 of 2019
20.06.2019

ARUL

KK/SAR/02.07.2019/4P-9C

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