



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.18491 of 2019

P.Veeranan

...Petitioner

-Vs-

1.The District Collector,
Collectorate Buildings,
Madurai District.

2.The Competent Authority/District Revenue Officer,
Collectorate Buildings,
Madurai District.

3.The Special Tahsildar (LA)
National Highways No.785,
Madurai North Taluk,
Madurai District.

...Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to dispose of the application of the petitioner dated 30.11.2018 and 30.07.2019 with interest at 9% per annum on such excess amount from the date of taking possession till the date of actual deposit as per section 3G(5) and 3H(5) of the National Highways Act, 1956 within a time frame as may be fixed by this Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mrs.Vaishnavi, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the 1st respondent to dispose of the application of the petitioner dated 30.11.2018 and 30.07.2019 with interest at 9% per annum on such excess amount from the date of taking possession till the date of actual deposit as per section 3G(5) and 3H(5) of the National Highways Act, 1956 within a time frame as may be fixed by this Court.

2.Heard Mrs.P.Jessi Jeeva Priya, learned counsel appearing for the petitioner and Mrs.Vaishnavi, learned Government Advocate appearing for the respondents.

3.The petitioner's land in S.No.193/3B and 193/10A situated at Manjampatti village, Madurai North Taluk, Madurai District, has been acquired for Highways purpose under the National Highways Act, 1956. In this regard, a compensation has been determined



and award was also passed in award No.15 of 2018 by the competent authority on 24.08.2018. However, the said compensation fixed by the authority is not adequate, according to the petitioner. Therefore, for enhancement of compensation or for correct determination of compensation, the petitioner preferred a petition/appeal under Section 3G(5) of the National Highways Act to the 1st respondent District Collector, who is an Arbitrator, within the meaning of Sub Section 6 of Section 3G of the said Act, on 30.07.2019 and therefore, in this context, the learned counsel appearing for the petitioner submits that, if the said representation/appeal filed before the 1st respondent District Collector/Arbitrator under 3G(5) of the said Act is decided on merits and in accordance with law and final order is passed thereon, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4.I have heard the learned Government Advocate appearing for the respondents, who would submit that, the appeal filed under Section 3G(5) of the said Act, dated 30.07.2019 by the petitioner, would be decided by the 1st respondent on merits and in accordance with law, within a period of time frame to be stipulated by this Court.

5.Having regard to the said submission made by both sides and taking into account the factual matrix of the case, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The appeal/petition dated 30.07.2019 filed by the petitioner under Section 3G(5) of the National Highways Act, to the 1st respondent, shall be decided under the provisions of the Arbitration and Conciliation Act 1996 and pass orders thereon, after giving opportunity of being heard to the petitioner and the respondents and such final order shall be passed by the 1st respondent, within a period of eight weeks from the date of receipt of a copy of this order."

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)



To கனம் உரிமர்

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Madurai North Taluk,
Madurai District.

+1 CC to M/s.P. JESSI JEEVA PRIYA, Advocate (SR-83696[F] dated 28/08/2019)

+1 CC to M/s.SPL GP (SR-83971[F] dated 28/08/2019)

Order made in
W.P. (MD)No.18491 of 2019

Dated:
27.08.2019

_KM/ (13.12.2019) 3P 6C