



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.7847 of 2020

1. Manoranjitham

2. Chandira

3. Jayalakshmi

Petitioners

vs.

1. The Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.54, 1st Floor,
Natarajapuram North Colony,
Medical College Road, Thanjavur - 613 004.

2. The District Collector, Collectorate,
Cuddalore District, Cuddalore.

3. The Competent Authority &
Special District Revenue Officer,
(Land Acquisition)
National Highways-45C,
Villupuram.

4. The Special Tahsildar (LA)
(Land Acquisition)
National Highways-45C,
Panruti.

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records of 4th respondent's order in Na.Ka.AA/33/2013 dated 04.07.2018 and quash the same and directing the respondents to reconsider the documents patta, A register, Adangal, field map belonged to 1. in survey No.7/8B, in which 00800 Hec, 00482 sq.m 2. in survey No.7/9B, in which 00650 Hec. 00319 q.m Thiruvathigai Village, Panruti Sub R.D. Cuddalore R.D., and order to grant proper compensation by the respondents as wet land or house site for the two items of properties.

For Petitioners: Ms.D.Kalaiselvi

For Respondents: Mr.D.Raja

Additional Government Pleader



O R D E R

By consent of both sides, this writ petition is taken up for final disposal.

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2.This writ petition has been filed challenging the proceedings of the 4th respondent dated 04.07.2018 and for a consequential direction to re-fix the compensation payable to the petitioners.

3.The case of the petitioners is that the subject properties belong to the father of the petitioners and the properties were bequeathed in favour of the petitioners by a will dated 07.02.1985. After the death of the father in the year 1986, the petitioners claim to be the owners of the properties. These properties were acquired by the national highways and the compensation was fixed by the 4th respondent. Aggrieved by the same, the petitioners have raised an arbitration dispute before the 2nd respondent on 12.03.2019. This arbitration proceeding is pending before the 2nd respondent. Since there was no progress in the proceedings, the petitioners have chosen to approach this Court by filing the above writ petition challenging the compensation fixed by the 4th respondent.

4.Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the respondents.

5.The compensation that was fixed by the 4th respondent has already become a subject matter of challenge by way of arbitration proceedings before the 2nd respondent and the same is pending. Therefore, this Court cannot entertain the present writ petition challenging the compensation fixed by the 4th respondent. The grievance expressed by the petitioners is that there is no progress in the proceedings. This grievance can be redressed by issuing appropriate directions to the 2nd respondent to complete the arbitration proceedings within a time frame.

6.In view of the above, this writ petition is disposed of with a direction to the 2nd respondent to complete the arbitration proceedings, within a period of six months from the date of receipt of copy of this order. The petitioners are directed to make a fresh representation to the 2nd respondent along with a copy of the grounds of the appeal dated 12.03.2019 and a copy of this order. No Costs.

Sd/-

Assistant Registrar (CS-III-MDU)

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VBA (CO)
GMY (10/07/2020)