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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2020

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.13733 of 2020

and

W.M.P. No.17080 of 2020

L.Sundarrajan

... Petitioner

.Vs.

1. National Highways Authority of India (NHAI).
Rep. by its Chairman,
No.G-5 & 6, Sector - 10, Dwarka,
New Delhi - 110 075.

2. The Project Director,
National Highways Authority of India (NHAI),
(Ministry of Road Transport & Highways),
No.54, First Floor, Natarajapuram
North Colony, Medical College Road,
Thanjavur - 613 004.

3. The District Collector,
Collectorate,
Ariyalur - 621 704,
Ariyalur District.

4. The Competent Authority,
District Revenue Officer (Land Acquisition),
National Highways - 45C,
Collectorate, Ariyalur - 621 704,
Ariyalur District.

5. The Special Tahsildar (L.A.),
National Highways - 45 C,
Unit - I, Jeyankondam,
Vikravandi - Kumbakonam - Thanjavur Section,
Ariyalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the third respondent to consider the grievances of the petitioner in the appeal dated 02.05.2019 filed by the petitioner regarding grant of compensation for land and



superstructure in accordance with the Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as amended by Tamilnadu Act 1 of 2015 for the acquired lands comprised in Punjai Survey No.101/9 of Muthuservamadam Village, Udayarpalayam Taluk, Ariyalur District for formation of two laning with paved shoulders of National Highway No.45C regarding the project namely Vikravandi - Kumbakonam - Thanjavur Section of NH45C.

For Petitioner : Mr.S.Giritharan

For R1 and R2 : Mr.Su.Srinivasan
Standing Counsel

For R3 to R5 : Mr.E.Manoharan
Special Government Pleader

O R D E R

This writ petition has been filed for issuance of a writ of mandamus, directing the 3rd respondent to dispose of the appeal filed by the petitioner on 02.05.2019, wherein the petitioner has sought for enhancement of compensation.

2.The case of the petitioner is that his property was acquired by the National Highways Department in the year 2013. The compensation was fixed by the 5th respondent. The petitioner was not satisfied with the amount of compensation fixed by the 5th respondent and hence, he filed an appeal before the 3rd respondent seeking for enhancement of compensation. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate directions.

3.Heard Mr.S.Giritharan, learned counsel for the petitioner and Mr.Su.Srinivasan, learned Standing Counsel appearing for the respondents 1 and 2 and Mr.E.Manoharan, learned Special Government Pleader, appearing for the respondents 3 to 5.

4.It is seen from records that the land belonging to the petitioner was acquired under the National Highways Act. The compensation amount payable to the petitioner was fixed by the 5th respondent. The petitioner was not satisfied with the compensation determined by the competent authority under Section 3(G)(1) of the National Highways Act. The grievance of the petitioner was that the superstructure that was put up in the property was not taken into consideration at the time of fixation of compensation. The petitioner, therefore, made an appeal/reference to the 3rd respondent who is the Arbitrator as per Section 3(G)(5) of the National Highways Act. This appeal was filed by the petitioner on 02.05.2019. The grievance of the



petitioner is that the 3rd respondent has not called for any enquiry and till date, the reference is pending and aggrieved by the same, the present writ petition has been filed before this Court.

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5. Taking into consideration the facts and circumstances of the case and the limited relief sought for in the writ petition, there shall be a direction to the 3rd respondent to take up the petition filed by the petitioner on 02.05.2019 and conduct an enquiry after giving opportunity to the petitioner as well as the National Highways Department and pass a final award, within a period of four months from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the 3rd respondent along with a copy of this order.

This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The National Highways Authority of India (NHAI).
No.G-5 & 6, Sector - 10, Dwarka,
New Delhi - 110 075.
2. The Project Director,
National Highways Authority of India (NHAI),
(Ministry of Road Transport & Highways),
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3. The District Collector,
Collectorate,
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Collectorate, Ariyalur - 621 704,
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5. The Special Tahsildar (L.A.),
National Highways - 45 C,
Unit - I, Jeyankondam,
Vikravandi - Kumbakonam - Thanjavur Section,
Ariyalur District.

+1cc to Mr.S.Giritharan, Advocate, Sr.No.32390

W.P.No.13733 of 2020

sr (co)
rr ii (22/10/2020)