



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.669 of 2020

G.Jayaraman

.. Petitioner

Vs.

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

2.The District Collector/Arbitrator,  
District Collector Office,  
Thanjavur District.

3.The Competent Authority - cum -  
Special District Revenue Officer,  
National Highway (LA) - NH 45C,  
Tiruvarur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus directing the 2<sup>nd</sup> respondent to consider the petitioner's application, dated 30.10.2019 and initiate arbitration proceedings in the light of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and grant enhancement of compensation within the time period that may be stipulated by this Court.

For Petitioner : Mr.P.Yasmin Begum

For Respondents : M/s.V.P.M.Vaishnavi  
2 & 3 Government Advocate

**ORDER**

This writ petition has been filed by the petitioner for issuing a direction to the 2<sup>nd</sup> respondent to consider the petitioner's application, dated 30.10.2019 and initiate arbitration proceedings in the light of Right to Fair Compensation and



Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) and grant enhancement of compensation within the time period that may be stipulated by this Court.

2.The petitioner admits that the petitioner's land was acquired for laying two way National Highway Road connecting Vikravandi and Kumbakonam and Thanjavur. By proceedings, dated 24.10.2019, compensation was determined for all the lands acquired including the land belonged to the petitioner. It is admitted that the petitioner has made an application before the second respondent for enhancement of compensation on 13.10.2019. Though the representation is not in the prescribed format, in the interest of parties, the second respondent can consider the same as the statutory appeal before him under Section 3(g)(5) of National Highways Act.

3.The learned counsel appearing for the respondent admits that the petitioner is entitled to compensation by virtue of market value in terms of Act 30 of 2013. In the above circumstances, the writ petition is disposed of with a direction to the second respondent to consider the representation of the petitioner as an appeal before the second respondent in terms of Section 3(g)(5) of National Highways Act for redetermining the compensation. It is to be noted that the District Collector in all cases, where an appeal is preferred, is passing orders rejecting the applications without considering the documents that are collected by the Land Acquisition Officer to fix compensation. Hence, the second respondent is directed to consider the appeal as an arbitrator by calling for records from the Land Acquisition Officer and the documents produced by the petitioner seeking higher compensation and redetermination of market value. The Collector required to apply his mind as an Arbitrator and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The Project Director,  
National Highways Authority of India,  
No.54, First Floor,  
Natarajapuram North Colony,  
Medical College Road,

<https://hcservices.ecourts.gov.in/hcservices> 613 004.



2.The District Collector/Arbitrator,  
District Collector Office,  
Thanjavur District.

3.The Competent Authority - cum -  
Special District Revenue Officer,  
National Highway (LA) - NH 45C,  
Tiruvarur District.

+1 CC to SPL.GP ( SR-4414[F] dated 03/02/2020 )

+1 CC to Mr.R.YASMIN BEGUM, Advocate ( SR-4444[F] dated 03/02/2020 )

W.P. (MD).No.669 of 2020  
31.01.2020

VB(14.02.2020) 3P 6C