



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD).No.14820 of 2020

A.Ayyavoo

.. Petitioner

Vs.

1.The District Collector,
Madurai District Collectorate,
Madurai - 625 020.

2.The Special District Revenue Officer (LA-NH),
NH-744A, National Highways of India,
Baskar Complex, Ramamoorthy Road,
Chinna Chokkikulam, Madurai - 625 009.

3.The Project Director,
NH-744A, National Highways Authority of India,
307, Melur Main Road, Madurai - 625 020.

.. Respondents

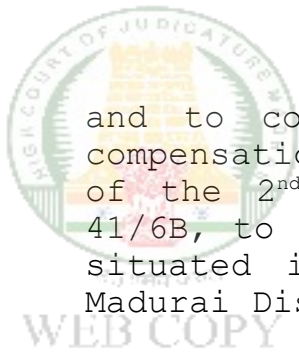
PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to consider the application sent under Section 3G(5) of National Highways Act, 1953 dated 17.08.2020 and to complete the enquiry in relation to the enhancement of compensation for the land acquired in Award No.05/2019 on the file of the 2nd respondent for the Survey Nos.41/2, 41/5A, 41/7 and 41/6B to the extent of 4125 sq. meter for the purpose of NH-744A situated in Thamaraipatti II-Bit Village at Madurai East Taluk, Madurai District, within a stipulated time fixed by this Court.

For Petitioner : Mr.C.Masilamani

For Respondents : Mr.K.P.Krishnadass for R1 & R2
Special Government Pleader
Mr.Arulvadivel @ Sekar for R3

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the 1st respondent to consider the application sent under Section 3G(5) of National Highways Act, 1953, dated 17.08.2020



and to complete the enquiry in relation to the enhancement of compensation for the land acquired in Award No.05/2019, on the file of the 2nd respondent, for the Survey Nos.41/2, 41/5A, 41/7 and 41/6B, to an extent of 4125 sq. meters, for the purpose of NH-744A, situated in Thamaraipatti II-Bit Village at Madurai East Taluk, Madurai District, within a stipulated time fixed by this Court.

2.Heard Mr.C.Masilamani, learned counsel for the petitioner. Mr.K.P.Krishnadass, learned Special Government Pleader, accepts notice on behalf of the respondents 1 and 2 and Mr.Arulvadivel @ Sekar, learned counsel accepts notice on behalf of the third respondent.

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

4.The petitioner has sought for enhancement of compensation for the acquisition of his lands by the National Highways Department. He has submitted an application, on 17.08.2020, under Section 3G(5) of the National Highways Act, 1953, seeking enhancement of compensation for the acquisition of the aforementioned lands, but, till date, the said application has not been considered by the respondents on merits and in accordance with law. In such circumstances, this writ petition has been filed.

5.No prejudice will be caused to the respondents, if the application dated 17.08.2020, filed by the petitioner under Section 3G(5) of the National Highways Act 1953, is considered by the respondents on merits and in accordance with law. Under Section 3G (6) of the National Highways Act 1956, the provisions of the Arbitration and Conciliation Act, 1996, shall apply to every arbitration under the said Act. Under Section 29(A) of the Arbitration and Conciliation Act, 1996, the arbitration will have to be completed within a period of twelve months from the date of completion of pleadings. After giving due consideration to the aforementioned factors, this Court is of the considered view that the application filed by the petitioner under Section 3G(5) of the National Highways Act, 1953, seeking for enhancement of compensation has to be disposed of by the first respondent expeditiously.

6.For the foregoing reasons, this Court directs the first respondent to consider the application filed by the petitioner under Section 3G(5) of the National Highways Act, 1953, seeking for enhancement of compensation for the lands acquired in award No.05/2019, on the file of the second respondent, for the S.Nos.41/2, 41/5A, 41/7 and 41/6B to an extent of 4125 sq. meters, for the purpose of NH-744A, situated in Thamaraipatti II-Bit Village at Madurai East Taluk, Madurai District and pass final orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (Records)

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/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Madurai District Collectorate,
Madurai - 625 020.
2. The Special District Revenue Officer (LA-NH),
NH-744A, National Highways of India,
Baskar Complex, Ramamoorthy Road,
Chinna Chokkikulam, Madurai - 625 009.

+1 CC to Spl GP (SR-20789[F] dated 02/11/2020)

W.P (MD) .No.14820 of 2020
29.10.2020

VB (09.11.2020) 3P 4C