



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.14913 of 2020

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J.M.Najeebur Rahman

... Petitioner

Vs

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

2.The Special District Revenue Officer (LA-NH),
NH-744A, National Highways of India,
Baskar Complex, Ramamoorthy Road,
Chinna Chokkikulam, Madurai 625 002.

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

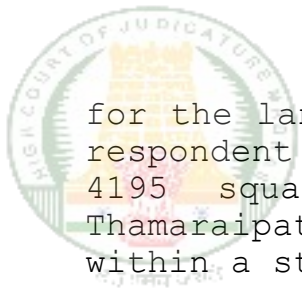
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the first respondent to consider the application sent under Section 3G(5) of National Highways Act, 1953 dated 19.08.2020 and to complete the enquiry in relation to the enhancement of compensation for the land acquired in Award No.05/2019 on the file of the second respondent for the Survey Nos.44/2, 44/3 and 44/4 to the extent of 4195 square 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
Special Government Pleader
(for R1 & R2)
Mr.Arulvadivel @ Sekhar (for R3)

ORDER

This writ petition has been filed for a Writ of Mandamus, to direct the first respondent to consider the application sent under Section 3G(5) of National Highways Act, 1953 dated 19.08.2020 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 second respondent for the Survey Nos.44/2, 44/3 and 44/4 to the extent of 4195 square 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.

2.Heard Mr.C.Masilamani, learned counsel appearing for the petitioner, Mr.K.P.Krishnadass, learned Special Government Pleader appearing for respondents 1 and 2 and Mr.Arulvadivel @ Sekhar, learned counsel appearing for the third respondent.

3.By consent of both sides, this writ petition is taken up for final disposal 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 19.08.2020, 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 19.08.2020, 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.44/2, 44/3 and 44/4 to the extent of 4195 square meter 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(AS)

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/ /2020

Sub Assistant Registrar(CS)

rmk

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,
District Collectorate Campus,
Madurai 625 020.
2. The Special District Revenue Officer (LA-NH),
NH-744A, National Highways of India,
Baskar Complex, Ramamoorthy Road,
Chinna Chokkikulam, Madurai 625 002.
3. The Project Director,
NH-744A, National Highways Authority of India,
307, Melur Main Road, Madurai 625 020.

+1 CC to M/s.GP (SR-20797[F] dated 02/11/2020)

W.P. (MD) No.14913 of 2020

29.10.2020

VR(CO)

TR(19.11.2020) 3P 5C