



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **05.11.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P (MD) No.15390 of 2020

S.Shanmugavel

... Petitioner

Vs.

1.The District Collector/Arbitrator,
Madurai District, Madurai.

2.The Competent Authority and
Special District Revenue Officer,
Land Acquisition (National Highways),
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the first respondent to initiate the arbitral proceedings in accordance to Section 3(G) (5) of the National Highways Act, 1956 in pursuant to the application of the petitioner dated 13.03.2020 and conclude the same within the stipulated time.

For Petitioner : Mr.G.Prabhu Rajadurai
For Respondents : Ms.V.P.M.Vaishnavi
Government Advocate

ORDER

This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the first respondent to initiate the arbitral proceedings in accordance with Section 3(G) (5) of the National Highways Act, 1956 in pursuant to the application of the petitioner dated 13.03.2020 and conclude the same within the stipulated time.

2.Heard the learned Counsel appearing for the petitioner and Ms.V.P.M.Vaishnavi, learned Government Advocate, who took notice for the respondents. By consent of both sides, the Writ Petition is disposed of at the admission stage itself.

3.The learned counsel appearing for the petitioner would submit that the petitioner's land measuring to an extent of 1050 Sq. M. in Survey No.41/2, New Sub Division No.41/2A situated in Achampatti Village, Vaadipatti Taluk, Madurai District was acquired by the National Highways Authority of India for the purpose of laying four lane (NH 744A). The second respondent had determined the amount of compensation for wet lands at the rate of Rs.44.07 per Sq. M. in



accordance with the provisions of the National Highways Act, 1956 and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Accordingly, the amount of compensation payable to the petitioner was arrived at Rs.1,21,206/-. Since the amount of compensation determined and awarded by the second respondent is unreasonable, the petitioner made a representation dated 13.03.2020 before the first respondent, who is the competent authority to determine the amount as per Section 3G(5) of the National Highways Act, 1956. Though the first respondent had received the representation of the petitioner, the same has not yet been considered by the first respondent. Hence, the petitioner has come forward with the present Writ Petition.

4. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the representation dated 13.03.2020, submitted by the petitioner and to pass appropriate orders thereon in accordance with law within a period of 120 days from the date of receipt of a copy of this order, if there is no legal impediment to do so.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

TO

1. The District Collector/Arbitrator,
Madurai District, Madurai.

2. The Competent Authority and
Special District Revenue Officer,
Land Acquisition (National Highways), Madurai.

+1 CC to M/s.G.PRABHU RAJADURAI, Advocate (SR-21382[F] dated 06/11/2020)

W.P. (MD)No.15390 of 2020
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CK(CO)

TR(02.12.2020) 2P 4C