

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2021

CORAM : THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.1147 of 2021

N.Ravi

... Petitioner

Vs

1. The Tahsildar
Thiruvallur
Thiruvallur District.

2. The Competent Authority cum
District Revenue Officer (Land Acquisition)
National Highways No.204
Thiruvallur District.

3. The District Collector
Thiruvallur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the third respondent to consider the representation of the petitioner dated 09.05.2014 and 19.08.2018 and to enhance the compensation of the house site admeasuring 194 sq.mts. comprised in Survey No.162/5A2B situated in No.94, Tirur Village, Thiruvallur Taluk, Thiruvallur District in accordance with the beneficial provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.P.Sesubalan Raja

For Respondents : Mr.D.Raja
Additional Government Pleader
[R1 to R3]

ORDER

Aggrieved by the compensation awarded by the Land Acquisition Officer, where the property of the petitioner is acquired for the purpose connected with the National Highways, the petitioner has approached the District Collector, Thiruvallur with his representations dated 09.05.2014 and 19.08.2018, for a statutory arbitration.

2. Heard the learned counsel for the petitioners. Mr.D.Raja, learned Additional Government Pleader who entered appearance for the respondents 1 to 3 made a statement on instruction that the Statutory Officer / District Collector, Thiruvallur / 3rd respondent herein has fixed the enquiry at 4.00 p.m., on 25.02.2021 at his office. The said statement is recorded.

3. Mr.Su.Srinivasan, the learned Standing Counsel for the National Highways Department has logged in and submitted that the National Highways Authority concerned is not a party to this proceedings, but it may be likely to be affected by the decision of the Statutory Arbitrator, and hence, it may be heard in this case.

4.1 Inasmuch as the date for enquiry is fixed by the respondents, no direction is required to be given except that the District Collector, Thiruvallur, the third respondent is directed to hold an enquiry after issuing notices to all the parties including the National Highways Authority, which is not a party to the proceedings, who is likely to be affected by his decision, and after providing the parties a fair and effective hearing and to dispose of the said representation through a speaking order within a period of twelve (12) weeks from the date of service of order copy, subject to such time that may be lost in responsibilities connected with the ensuing General Election of the Tamil Nadu State Legislative Assembly, 2021.

4.2. During the course of enquiry, the District Collector, Thiruvallur is also required to bestow best care and attention and to pass an award after due application of mind to all the materials presented before the Arbitrator. It is underscored that any inadequate application of mind, multiplies the litigation unnecessarily. Therefore, the District Collector, Thiruvallur is required to give his best, to avoid the possibility of any further litigations.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Tahsildar
Thiruvallur
Thiruvallur District.

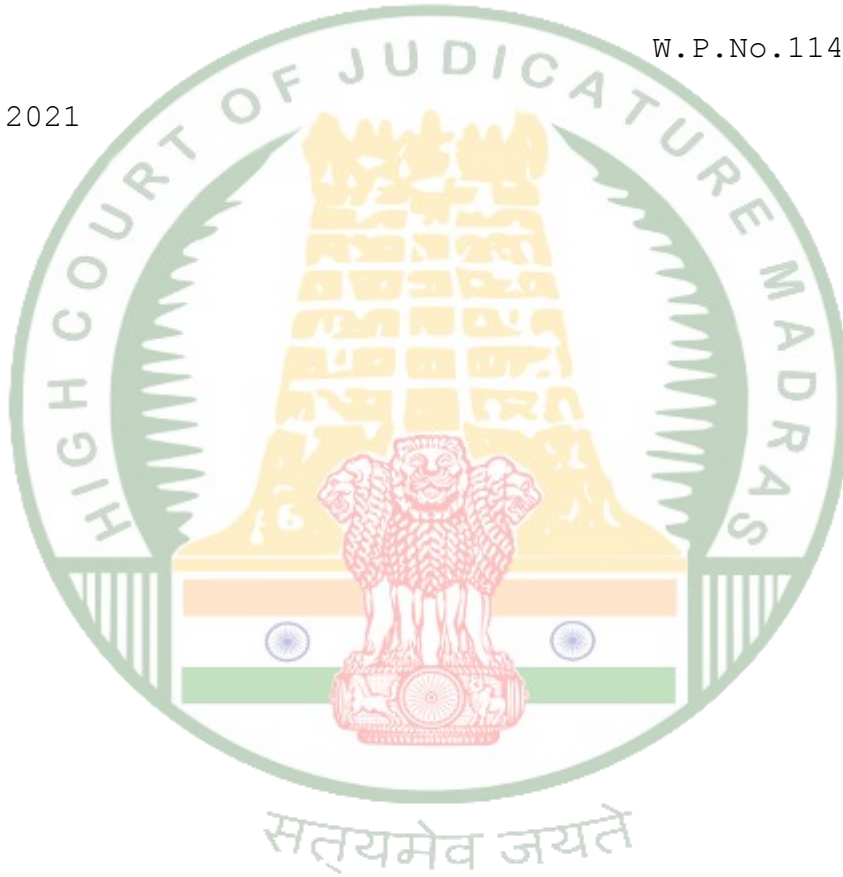
2. The Competent Authority cum
District Revenue Officer (Land Acquisition)
National Highways No.204
Thiruvallur District.

3. The District Collector
Thiruvallur.

+lcc to Mr.P.Sesubalan Raja, Advocate, S.R.No.9757.
+lcc to the Government Pleader, S.R.No.9556.

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MG(CO)
CSR 24.03.2021



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