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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 23.03.2021

Judgment Pronounced on : 07.10.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.3729 of 2021

P.Rangaraj ..... Petitioner

Vs

1.The District Collector cum Arbitrator
Tirupur District.

2.The Competent Authority and
Special District Revenue Officer (LA)
N.H.47 & 67, Coimbatore

3.The Project Director
National Highways-47
Coimbatore. ..... Respondents
[R3 suo-motu impleaded Vide Order dated 23.02.2021
in W.P.No.3729 of 2021]

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to pay the solatium with interest by considering petitioner's representation dated 04.11.2020 within time framed manner.

For Petitioner : Mr.K.Sudhakar

For Respondents : Mr.E.Manoharan
Special Government Pleader [R1 & R2]
Mr.Su.Srinivasan
Standing Counsel for R3

ORDER

The petitioner in this case seeks a direction to the respondents to dispose of his representation dated 04.11.2020, seeking solatium and interest.

2. The property of the petitioner admittedly is acquired under the provisions of the National Highways Act. Dissatisfied with the quantum of compensation paid, the petitioner has approached the second respondent with his claim application dated 04.11.2020. The statutory arbitrator however, has not disposed of his representation, and hence this petition.

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3. Mr.D.Raja, Additional Government Pleader enters appearance for the respondents 1 and 2. The Project Director, NHAI, Coimbatore, is suo-motu impleaded in this case as third respondent, and Mr.Su.Srinivasan, Standing Counsel for NHAI, takes notice for NHAI.

4. This Court Vide its order dated 04.10.2021 in W.P.No.697 of 2021 batch of cases etc., has taken a view that the solatium and interest is payable, based on the dictum in Tarsem Singh v Union of India [(2019) 9 SCC 304], even as regarding the cases disposed of by the Competent Authority or the statutory arbitrator prior to Tarsem Singh case. The judgement of this Court in W.P.No.697 of 2021 batch of cases may be read as part of this Order

5. This Court holds that the petitioner is entitled to be paid the solatium and interest in terms of the judgement in Tarsem Singh v Union of India [(2019) 9 SCC 304] and directs the first respondent to dispose of arbitral proceedings within a period of one month from the date of receipt of copy of this Order, and he is further directed to grant solatium and interest in terms of the dictum in Tarsem Singh case. No costs.

Sd/-
Deputy Registrar(CS)

//True copy//

Sub Assistant Registrar

ds

To:

1. The District Collector cum Arbitrator
   Tirupur District.

2. The Competent Authority and
   Special District Revenue Officer (LA)
   N.H.47 & 67, Coimbatore

3.The Project Director
   National Highways-47
   Coimbatore.

+1cc to Mr.K.Sudhakar, Advocate SR.No.53301

+1cc to Mr.Su.Srinivasan, Advocate SR.No.53256

+1cc to Government Pleader SR.No.53497

W.P.No.3729 of 2021

SR II(CO)
GMY(17/11/2021)

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