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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P. No. 14200 of 2021

1. R. Geethanjali
2. K. Ramya
3. K. Harigovind(Minor)
rep.by his Guardian and Sister 2nd Petitioner namely
Ms.K.Ramya
4. A.Suri @ A.Suriyanarayanan
5. S.Vijaya
6. S.Rajesh
7. K. Divya
(petitioners 5 to 7 are represented by
their common power of attorney
namely 8th petitioner)
8. A. Narayanan @ Suriyanarayanan ...Petitioners

Vs

1. The District Collector cum Arbitrator,
National Highways(Land Acquisition),
Thiruvallur District Collector Office,
Thiruvallur - 602 001.
2. The District Revenue Officer and
Competent Authority,
Land Acquisition National Highways,
Thiruvallur, Thiruvallur District ...Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the first respondent to implement the order passed in Arbitration OP 54 of 2009 on 13.06.2018 by the Arbitral Tribunal cum District Judge,



Thiruvallur by holding enquiry for re-fixation of compensation in respect of petitioners' land acquired in Survey NO.55/1B measuring an extent of 0.01.0 hectares at Thandalkazhani Village, Ambattur Taluk, Thiruvallur District, consequently direct the first respondent to implement the law laid down by our Hon'ble Supreme Court of India as per reported judgment in 2019(9) SCC page 304 in the case of Union of INDia and another Vs. Tarsem Singh and others situate at Thandalkazhani Village, Ambattur Taluk, Thiruvallur District in awarding statutory benefits as per Section 23(1)A, 23(2) and 28 of Land Acquisition Act 1894 to the land acquired under National Highways Act.

For petitioner ... Mr. K.M.Venugopal

For respondents ... Mr. Yogesh Kannadasan,
Government Advocate

ORDER

This writ petition has been filed to direct the first respondent to consider the arbitration proceedings.

2. According to the petitioners, earlier, the petitioners' lands were sought to be acquired and award was also passed. Challenging the award, the petitioners and the other land owners have filed arbitration proceedings before the first respondent/District Collector and the first respondent has confirmed the award. Challenging the arbitral award, the petitioners have filed a petition in Arbitration O.P.No.54 of 2009 on the file of the Principal District Court, Tiruvallur. After considering the materials, the Principal District Judge, vide judgment and decree dated 13.06.2018, has set aside the arbitral award and remanded back the matter to the first respondent/district Collector for reconsideration and re-fixation of market value afresh. But, so far, no order has been passed. hence, the present writ petition has been filed.

3. The learned counsel for the petitioners would submit that after remand, so far the first respondent has not passed any order and hence, the first respondent may be directed to pass orders, after hearing the petitioners within a time frame fixed by this Court.

4. The learned Government Advocate, appearing for the respondents, on instructions, would submit that now, the first respondent/District Collector, assures to consider the matter afresh and pass orders within a period of four weeks.

5. Considering the above said submission, the first respondent/District Collector is directed to consider the



arbitration proceedings and pass suitable orders, after hearing the petitioners as per the order of remand passed by the learned Principal District Judge, Tiruvallur within a period of four weeks from the date of receipt of a copy of this order.

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6. With the above directions, this writ petition is disposed of . No costs.

Sd/-
Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The District Collector cum Arbitrator,
National Highways(Land Acquisition),
Thiruvallur District Collector Office,
Thiruvallur - 602 001.

2. The District Revenue Officer and
Competent Authority,
Land Acquisition National Highways,
Thiruvallur, Thiruvallur District

Copy To:

The Principal District Judge,
Tiruvallur.

+1cc to M/s.K.M.Venugopal, Advocate, S.R.No.35014
+1cc to the Government Pleader, S.R.No.35295

W.P. No. 14200 of 2021

GPL (CO)
SB(23/08/2021)