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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.20890 of 2021

R.Rajakumar

... Petitioner

Vs.

1.The District Collector,
Chennai Singaravelar Maligai,
No.62, Rajaji Salai, Fourth Floor,
Chennai, Tamil Nadu 600 001.

2.National Highways Authority of India,
Rep. by its Project Director,
8th Floor, Annexure Building,
Spic House,
88. Anna Salai, Chennai- 32.

3.The Competent Authority and the
Special District Revenue Officer (NH),
Kancheepuram & Thiruvallur Districts,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to praying for issuance of a writ of Mandamus to direct the first respondent herein (ie) the Arbitrator the Collector Chennai, to dispose of the Arbitration Proceedings in Rc.No.J9/39250/2011 filed by the petitioner for enhanced compensation for the acquired lands under Section 3G(5) of the National Highways Act 1956 expeditiously within a reasonable time frame as may be fixed by this Court.

For Petitioner	:	Mr.Shivakumar and Suresh
For Respondents	:	Mr.V.Veluchamy
		Government Advocate for R1
		Mr.Su.Srinivasan for R2 and R3
		Standing Counsel for NHAI

ORDER

This writ petition has been filed for a mandamus to direct the first respondent/Collector of Chennai to dispose of the Arbitration Proceedings in Rc.No.J9/39250/2011 filed by the petitioner for enhanced compensation for acquired lands under Section 3G(5) of the National Highways Act, 1956 expeditiously within a time frame.



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2.The case of the petitioner is that he had purchased a land measuring 207Sq.mts or 2227 Sq.ft., situated in R.S.No.134/2 and T.S.No.26 in Block No.41, Koyambedu Village by a registered Deed of Sale dated 22.12.1993 from M/s.K.Uma Sisters and he was in absolute possession and enjoyment of the said property.

3.The petitioner submits that the property belonging to the petitioner an extent of 207 Sq.mts., situated in R.S.No.134/2 and T.S.No.26 in Block No.41 for the purpose of construction of Grade Separator at Koyambedu Junction, and had issued a notification under Section 3A (1) dated 12.08.2005 and the second respondent had also issued notification under Sections 3D (1) and (2) of the Act and published the same on 18.11.2005.

4.The petitioner further submits that the compensation paid for him was arrived at Rs.1,925/- per sq. ft and he was called for an enquiry and he had produced copies of the documents relating to the ownership of the lands belonging to him, the second respondent without considering the valid objections raised by the petitioner, had issued a proceeding dated 20.04.2007 and the petitioner was not satisfied with the said award of compensation and had referred the matter for enhanced compensation as provided under the Act.

5.According to the petitioner, under the said Act, the first respondent has been appointed as the Arbitrator to decide the enhancement of compensation for the acquired lands in the year 2011 as provided under Section 3G(5) of the said Act and thereafter, the first respondent/District Collector had conducted proceedings on 16.02.2012, 12.11.2012 and 23.12.2013.

6.The petitioner submits that the latest hearing was in the month of September 2019 for which, no notice was sent to him and he came to know the same from the first respondent on enquiry and thereafter, after several visits requesting to fix the hearing date, no hearing date has been fixed by the Arbitrator.

7.The petitioner further submits that he had filed three applications before the first respondent seeking permission to amend the claim, to file additional documents to show the market value of the acquired land and also to file additional proof affidavit in support of his enhanced claim.

8.According to the petitioner, in the proceedings pending before the first respondent, subsequent to the hearing date in September 2019, he has not received any notice despite many requests for an early disposal of the claim proceedings.

9.The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.



10. Heard, learned counsel for the petitioner, the learned Government Advocate for the first respondent and the learned standing counsel for the respondents 2 and 3 and perused the materials available on record.

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11. In the above facts and circumstances of the case and considering the submission made by the petitioner, this Court directs the first respondent to consider the three applications made by the petitioner wherein he seek for enhancement of compensation based on the market value of the said land and pass appropriate orders after conducting enquiry in accordance with law after affording an opportunity to all the parties concerned, within a period of 12 weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

pam/skr

To

1. The District Collector,
Chennai Singaravelar Maligai,
No.62, Rajaji Salai, Fourth Floor,
Chennai, Tamil Nadu 600 001.
2. The Project Director,
National Highways Authority of India,
8th Floor, Annexure Building,
Spic House,
88, Anna Salai, Chennai- 32.
3. The Competent Authority and
the Special District Revenue Officer (NH),
Kancheepuram & Thiruvallur Districts,
Chennai.

+1CC to Mr. Shivakumar and Suresh, Advocate, Sr.No.51108
+1CC to Mr. Government Pleader, Sr.No.51307

W.P.No.20890 of 2021

KG (CO)
K.RK. (29.11.2021)