



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM:

THE HONOURABLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

W.P. No. 20699 of 2021

M/s.Bhoruka Steel and Services,
Represented by its General Manger,
K.Murali,
No.24, East Link Road,
A-Malleswaran,
Bangalore - 560 003.

.. Petitioner

Versus

1. The Project Director,
National Highways Authority of India,
Project Implementation Unit - Chennai,
"SRI TOWER", 3rd Floor, DP-34(SP),
Industrial Estate, Guindy,
Chennai - 32.
2. The Competent Authority and Special District
Revenue Officer (Land Acquisition),
National Highways 205, No.3&4, Lal Bagadhur Sasthri St.,
Periyakuppam Railway Station, (Near Thulasi Theatre),
Thiruvallur - 602 001.
3. The District Collector,
Office of the Thiruvallur District Collector,
Master Plan Complex NH 205,
Chennai - Tirutanni Hwy,
Thiruvallur, Tamil Nadu 602 001.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the respondent 1 & 2 to grant the enhanced compensation award vide No.3 of 2005 dated 02.06.2006 in respect of Survey No.4/3A1B (Old No.4/3A) for an extent of 450 Sq.mtr., as per the order passed by an Arbitrator/the District Collector, Tiruvallur District dated 24.01.2020 vide R.C. No.5636-14/2019/F2/Arbitration dated 24.01.2020 in the manner as contemplated therein within a time period.



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For Petitioner : Mr. N.Chandrasekar
for Ms. M.F.Shabana

For Respondent -1 : Mr. Su.Srinivasan
Standing Counsel
2 & 3 : Mr. V.Veluchamy
Government Advocate

O R D E R

This Writ Petition is filed for issuance of a Writ of Mandamus directing the respondent 1 & 2 to grant the enhanced compensation award vide No.3 of 2005 dated 02.06.2006 in respect of Survey No.4/3A1B (Old No.4/3A) for an extent of 450 Sq.mtr., as per the order passed by an Arbitrator/the District Collector, Tiruvallur District dated 24.01.2020 vide R.C. No.5636-14/2019/F2/Arbitration dated 24.01.2020 in the manner as contemplated therein within a time period.

2. The case of the petitioner company is that the company had owned land which has an extent of 450 sq.m. situated at No.71, Vanagaram Village, Poonamallee Taluk, Thiruvallur District, bearing Survey No.4/3A1B (Old No.4/3A). It is stated that the first respondent issued notification to acquire the land for the purpose of widening by pass road for National Highways - 4. It is further stated that the second respondent, issued an award vide No.3 of 2005 dated 02.06.2006 for the land acquired to an extent of 450 sq.m. comprised in Survey No.4/3A1B (Old No.4/3A), Vanagaram Village, Thiruvallur District, for awarding compensation amount of Rs.749.88/- per sq.ft. and Rs.8,068.8/- per sq.m. based on the collected land statistic value. It is the contention of the petitioner that the said land was acquired without giving any opportunity to the petitioner of submitting any objection. It is stated that at the time of passing the award, the second respondent failed to consider the loss of rental income and demolish charges etc. It is stated that the petitioner approached the authorities in several occasions to enhance the award amount. The petitioner have filed various arbitration petition before the third respondent to enhance the award. On 15.10.2019, the third respondent passed on order in R.C. No.5636-14/2019/F2/Arbitration dated 24.01.2020, enhancing the compensation amount from Rs.749.88/- to Rs.2,500/- per sq.ft, i.e., Rs.8,068.8/- per sq.m to Rs.26,900/- per sq.m., with an interest of 9% per annum for excess amount, from the date of taking possession i.e., under Section 3D(1) of the National Highways Act, 1956, till the date of actual deposit. The competent authority and Special District Revenue Officer (LA), National Highways, Thiruvallur, was directed to pay the difference of compensation to the landowner as per rules in force. It is further stated by the petitioner that in order to execute the arbitration order dated 24.01.2020, the petitioner approached respondents and submitted a representation to the respondents to execute the order passed by the Arbitrator.



Since there is inaction on the part of the respondents, left with no other alternate remedy, the petitioner approached this Court by way of filing this writ petition.

3. Learned counsel appearing for the petitioner submitted though the Arbitrator passed an award enhancing compensation, the respondents 1 and 2 have not executed the same. He further submitted that the respondents sanctioned compensation to other land owner on the basis of the award of the District Collector, Tiruvallur, but they have not sanctioned compensation to the petitioner.

4. Mr. Su.Srinivasan, learned Standing Counsel appearing for the first respondent submitted that the respondents preferred an appeal against the award of the Arbitrator before the Principal District Judge, Tiruvallur and seeks further time for filing counter affidavit.

5. It is seen that the Arbitrator / District Collector, Tiruvallur District, have passed an order on 24.01.2020. Despite the order being passed before 1½ year, the petitioner is unable to receive the enhanced compensation amount. It is submitted by the learned standing counsel for the first respondent that an appeal is preferred challenging the award of Arbitrator, before the appropriate Court. There is no material evidence produced by the learned counsel for the first respondent to prove that an appeal challenging the award of the Arbitrator is filed. In the absence of any materials produced, this Court is of the view that the respondents 1 and 2 shall be directed to consider the petitioner's representation and dispose of the same. Accordingly, the petitioner is directed to submit a fresh representation to the respondents 1 and 2 and on such representation being made, the respondents 1 and 2 are directed to consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of the representation from the petitioner.

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

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

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To

1. The Project Director,
National Highways Authority of India,
Project Implementation Unit - Chennai,
"SRI TOWER", 3rd Floor, DP-34(SP),
Industrial Estate, Guindy,
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2. The Competent Authority and Special District
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3. The District Collector,
Office of the Thiruvallur District Collector,
Master Plan Complex NH 205,
Chennai - Tirutanni Hwy,
Thiruvallur, Tamil Nadu 602 001.
4. The Arbitrator/the District Collector,
Tiruvallur District.

W.P. No. 20699 of 2021

SRA(CO)
GMY(24/01/2022)