

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P. NO. 27796 OF 2017
AND W.M.P. NO.34030 OF 2018

1.V.Annadurai
2.A.Satyapriya
3.R.Gunasekaran
4.P.Selvaraj
5.M.Senthil
6.K.Mari
7.V.Ayyavoo
8.A.Sannasi
9.K.Kumar

....Petitioners

Vs

1.The District Collector & Arbitrator,
Salem District, Salem.
2.The Special Tahsildar,
Attur Unit at Narasingapuram,
Attur Taluk, Salem District.
3.The Special District Revenue Officer (LA),
NH-68, Salem, Salem - 636 001.

....Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent herein to take up the appeals preferred by the petitioners between 28.12.2009 to 04.02.2012 claiming enhanced compensation for the lands acquired from them for NH-68 for enquiry and dispose the appeals within a time frame.

For Petitioners : Mr. K.M.Ramesh
For Respondents : Mr. M.Elumalai,
Additional Government Pleader

O R D E R

This Writ Petition is filed for the issuance of the Writ of Mandamus directing the first respondent to take up the appeals preferred by the petitioners between 28.12.2009 and 04.02.2012, claiming enhanced compensation for the lands acquired from them for NH-68.

2. It is unfortunate to notice that the petitioners along with the other persons filed a Writ Petition earlier for similar relief in W.P. No.13810 of 2013. This court, by order dated 30.04.2013, disposed the Writ Petition with a direction to the District Collector, Salem District, to consider the representations of the petitioners for enhancement of compensation, on merits and in accordance with law, within a period of eight weeks from the date of the receipt of a copy of that order. Even thereafter, the petitioners have individually sent representations to the District Collector, Salem District, for enhancement of compensation. It is not in dispute that the petitioner's land have been acquired for National Highways during the year 2009-2010. Despite the direction issued by this Court earlier, it is brought to the notice that the District Collector who is designated as Arbitrator to decide the petition has not disposed of the representations.

3. Learned counsel appearing on behalf of the respondents submits that the representations were not from the individual owners but by the petitioners' counsel and that therefore, a direction to the District Collector cannot be issued in the present case as the reference should be at the instance of the aggrieved land owners.

4. This Court is unable to accept the contentions of the learned counsel for the respondents. The only remedy for the aggrieved land owners under the National Highways Act, is to seek reference before the District Collector who is the competent authority. As per Section 3G (5) of the National Highways Act, 1956, any person aggrieved by the quantum of amount determined by the competent authority under Sub-Section (1) Or (2) of Section 3G, is entitled to make an application before the Arbitrator. In the present case, the District Collector is designated as an Arbitrator. When the land is acquired from the petitioners, the petitioners are entitled to get compensation without any delay as the market value of the land has to be determined with reference to the date of publication of the notification under Section 3 (A) of the National Highways Act. The petitioners individually have submitted their representations to the District Collector for enhancement of compensation aggrieved by the compensation fixed by the Land Acquisition Officer. Though this Court earlier issued a direction to the District Collector, Salem District, to consider the representations in terms of the provisions of the National Highway Act, long back in the year 2013, the District Collector has not considered the representations made by the petitioners. Having regard to the nature of grievance, this Court is inclined to direct the first respondent to take up the references preferred by the petitioners.

5. Accordingly, the first respondent is directed to take up the reference preferred by the petitioners between 28.12.2009 and 04.02.2012, on day to day basis and determine the compensation in terms of Section 3G (5) of the National Highways Act, 1956, within a period of twelve weeks from the date of receipt of a copy of this order. The District Collector, while disposing the references shall pass a speaking order in accordance with the directions of this Court in several other similar cases, after giving sufficient opportunities to the petitioners.

6. With the above observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

- 1.The District Collector & Arbitrator,
Salem District, Salem.
- 2.The Special Tahsildar,
Attur Unit at Narasingapuram,
Attur Taluk, Salem District.
- 3.The Special District Revenue Officer (LA),
NH-68, Salem ,Salem - 636 001.

+1cc to Mr.K.M.Ramesh, Advocate, SR.No.445

+1cc to Government Pleader, Sr.No.526

W.P. No. 27796 of 2017

SSD(CO)
KKV/15/03/2021
KKV/23/03/2021

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