



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD) No.5063 of 2021

(Through Video Conference)

WEB COPY

S.Saleem Basha

... Petitioner

Vs.

1.The District Collector cum Arbitrator,
Madurai District,
Collectorate, Madurai.

2.The Special District Revenue Officer (LA),
National Highways,
Madurai Bypass, National Highway (NH744A),
Madurai.

3. The Project Director,
NH744-A, National Highways Authority of India,
307 Melur Main Road,
Madurai.

... Respondents

*** R3 impleaded vide order of this Court dated 21.04.2021**

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to pass orders on the petitioner's statutory application for enhancement of compensation under Section 3G(5) of the National Highways Act, 1956 in light of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (removal of difficulties) Order 2015, within the time that may be stipulated by this Court.

For Petitioner : Mr.Shaazim Shagar
For Ajmal Associates

For RR 1 & 2 : Mr.K.P.Krishnadass,
Special Government Pleader

For R-3 : Mr.Arul Vadivel @ Sekar

O R D E R

The Project Director, National Highways Authority of India is *suo moto* made as the third respondent in this Writ Petition.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to pass orders on the petitioner's statutory application for enhancement of compensation under Section 3G(5) of the National Highways Act, 1956 in light of



the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (removal of difficulties) Order 2015, within the time limit to be fixed by this Court.

3. The petitioner was the owner of the subject property, which was acquired by the National Highways Authority of India. The compensation was fixed by the Special District Revenue Officer (LA) and the petitioner was not satisfied with the compensation fixed by the Authority. Hence, the petitioner exercised his statutory right of initiating arbitration proceedings before the first respondent.

4. The grievance of the petitioner is that the proceedings have not progressed and it is being kept pending by the first respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

5. Heard Mr.Shaazim Shagar, learned counsel for the petitioner, Mr.K.P.Krishnadass, learned Specvial Government Pleader appearing for the first and second respondents and Mr.Arul Vadivel @ Sekar, learned counsel appearing for the third respondent.

6. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this Writ Petition, there shall be a direction to the first respondent to complete the proceedings and pass the award within a period of two (2) months from the date of receipt of a copy of this order.

7. The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

8. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

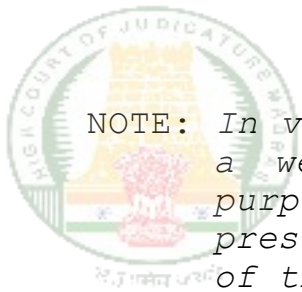
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Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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307 Melur Main Road,
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+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-17301[F] dated 23/04/2021)

Order made in
W.P. (MD) No.5063 of 2021

Dated:
21.04.2021

CN(05.07.2021) 3P 5C