



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU**

W.P(MD)No.12945 of 2021

Tessco Infra Limited,  
Represented by M.Ramesh Kumar  
Managing Director,  
S/o.Manimaran,  
Door No.351, K.K. Nagar,  
Madurai-625 020.

... Petitioner

vs.

1)The District Collector/Arbitrator,  
Madurai.

2)The Special District Revenue Officer, (LAO),  
Madurai Ring Road under Bharatmala Pariyojana Scheme,  
NH 744A, National Highways, Madurai.

3)The Deputy General Manager(T) &  
Project Director,  
Madurai Ring Road under Bharatmala Pariyojana Scheme,  
NH 744A, National Highways Authority of India,  
Madurai.

... Respondents

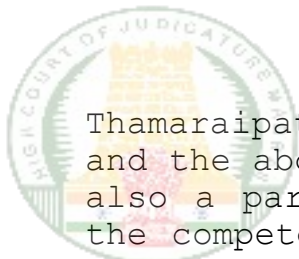
Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to dispose the petitioner's arbitration proceedings in Appeal No.12/Thamaraipatti II Bit Village/2021 filed under Section 3G(5) of the National Highways Act within a time frame fixed by this Hon'ble Court.

|                |                                        |
|----------------|----------------------------------------|
| For Petitioner | : Mr.M.P.Senthil                       |
| For R1 & R2    | : Mr.M.Lingadurai, Government Advocate |
| For R3         | : Mr.Su.Srinivasan                     |

#### **ORDER**

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the 1<sup>st</sup> respondent to dispose the petitioner's arbitration proceedings in Appeal No.12/Thamaraipatti II Bit Village/2021 filed under Section 3G(5) of the National Highways Act within a time frame to be fixed by this Court.

2.The petitioner is the owner of the house site land measuring to an extent of 1.85 cents in Survey No.86/1B and 3.03 cents in Survey No.83/7 totalling to an extent of 4.88 cents in Thamaraipatti II Bit Village, Madurai East Taluk, Madurai District. On 06.09.2018, the Government of India issued a notification under Section 3(A)(1) of the National Highways Act to acquire lands in



Thamaraipatti II Bit Village, Madurai East Taluk, Madurai District and the above mentioned property which belongs to the petitioner was also a part of the acquisition proceedings. The 2<sup>nd</sup> respondent is the competent authority relating to the acquisition under Section 3 (a) of the National Highways Act, 1956, for acquiring land for laying four-ways lane. The 2<sup>nd</sup> respondent passed an award in Award No.5/2019 in Na.Ka.No.A.1/05/2018 dated 24.09.2019 determining the compensation amount for the acquired property. A sum of Rs.1,06,694/- was fixed as compensation for each cent for the petitioner's house site which according to the petitioner is far below the actual value of the property and the total compensation fixed is very low and it was not in consonance with the yardsticks provided under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The 2<sup>nd</sup> respondent has not considered the actual value of the property acquired including the damages sustained by the petitioner in view of the acquisition as the petitioner's company was deprived of the valuable properties. In such circumstances, the petitioner filed appeal before the 1<sup>st</sup> respondent/Arbitrator in Appeal No.12/Thamaraipatti II Bit Village/2021. Even after the expiry of 6 months, the 1<sup>st</sup> respondent has not commenced the arbitration proceedings. Hence, this writ petition for early disposal of the appeal.

3.The learned Government Advocate appearing for the 1<sup>st</sup> respondent would state that the petitioner's appeal will be disposed of at the earliest possible time.

4.Heard the learned counsel for the petitioner as well as the respondents.

5.Considering the facts and circumstances of the case, the 1<sup>st</sup> respondent is directed to dispose of the petitioner's appeal in Appeal No.12/Thamaraipatti II Bit Village/2021 filed under Section 3 (G) (5) of the National Highways Act, 1956 within a period of three months from the date of receipt of a copy of this order.

6.The Writ Petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

bala/tm



To

1) The District Collector/Arbitrator,  
Madurai.

2) The Special District Revenue Officer, (LAO),  
Madurai Ring Road under Bharatmala Pariyojana Scheme,  
NH 744A, National Highways,  
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3) The Deputy General Manager(T) &  
Project Director,  
Madurai Ring Road under Bharatmala Pariyojana Scheme,  
NH 744A, National Highways Authority of India,  
Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate ( SR-24819[F] dated 30/07/2021 )  
+1 CC to M/s.GP ( SR-24949[F] dated 02/08/2021 )

ORDER MADE IN  
W.P(MD)No.12945 of 2021  
DATED : 29.07.2021

ks (CO)  
TR(11.08.2021) 3P 6C