



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :24.08.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.14903 of 2021

WEB COPY

J.Maria Gnanam

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.

3.The Project Director cum DGM (Tech),
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil-629 003,
Kanyakumari District.

... Respondents

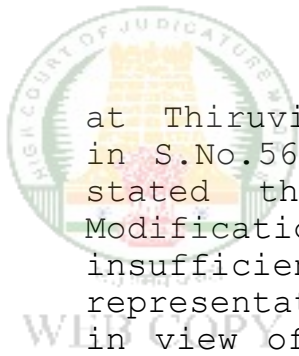
Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to conduct rehabilitation and resettlement enquiry as per the provision of Section 31 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and order enhanced compensation for the building measuring an extent 1000 Sq.Ft. in S.No.562/14, Thiruvithancode Village, Kalkulam Taluk, Kanyakumari District R/w. Section 3 (G) 7d of NH Act by passing orders on the representation dated 05.05.2021.

For Petitioner : Mr.K.Selvaraj
for Mr.G.Justin
For Respondents : Mr.R.Baskaran,
Counsel for State
for R-1 & R-2
: Mr.Su.Srinivasan
for R-3

ORDER

The petitioner seeks a rehabilitation and resettlement inquiry in terms of section 31 of Act 30 of 2013.

2. The petitioner states that he was the owner of the land
<https://hcservices.ecourts.gov.in/hcservices/>



at Thiruvithancode Village, Kalkulam Taluk, Kanyakumari District in S.No.562/14, which was acquired for purposes of NH-47. It is stated that compensation was awarded in respect thereof by Modification Award No.6/2015 dated 20.08.2018. In view of the insufficiency of such compensation, the petitioner submitted a representation dated 05.05.2021. The present Writ Petition is filed in view of the failure of the first respondent to take action on such representation.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of the first and second respondents and Mr.Su.Srinivasan, learned Standing Counsel, accepts notice on behalf of the third respondent. Mr.Su.Srinivasan submits that the only recourse in respect of a claim for enhanced compensation under the National Highways Act, 1956 is by way of arbitration before the District Collector, who is the designated arbitrator in terms of Section 3G-(5) of the National Highways Act, 1956. Consequently, he states that the first respondent may be directed to treat the petitioner's representation as a claim petition under the Arbitration and Conciliation Act, 1996 and pronounce an award in respect thereof.

4. As correctly contended by learned Standing Counsel for the third respondent, the District Collector is the designated authority to consider a claim for enhanced compensation under the National Highways Act. Accordingly, the first respondent should consider the petitioner's claim and dispose of the same in accordance with the Arbitration and Conciliation Act, 1996.

5. For reasons set out above, W.P.(MD).No.14903 of 2021 is disposed of by directing the first respondent herein to treat the petitioner's representation dated 05.05.2021 as a claim statement under the Arbitration and Conciliation Act, 1996 and dispose of such claim by pronouncing an award in terms of the said Arbitration and Conciliation Act, 1996 within the timeline stipulated thereunder. It is needless to say that both the petitioner and the third respondent shall be provided a reasonable opportunity before such award is pronounced.

6. Accordingly, W.P.(MD).No.14903 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

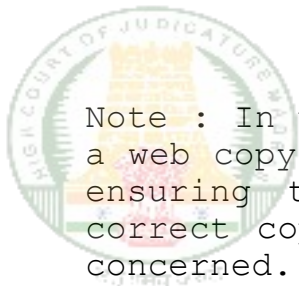
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Sub Assistant Registrar(CS)

Tsg

<https://hcservices.ecourts.gov.in/hcservices/>



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.

WEB COPY

To
1.The District Collector,
Kanyakumari District, Nagercoil.

2.The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.

+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-27093[F] dated 24/08/2021)

+1 CC to M/s.GP (SR-27194[F] dated 25/08/2021)

W.P (MD) No.14903 of 2021
24.08.2021

RD(2.09.2021) 3P 5C