



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2021

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.15396 of 2021

R.Balasubramanian

... Petitioner

Vs.

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

2.The Special District Revenue Officer (LA),
National Highways,
NH-227 Land Acquisition,
Tiruchirappalli.

... 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 pass orders on the petitioner's statutory application for enhancement of compensation/arbitration application 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 stipulated by this Court.

For Petitioner : Mr.Mahaboob Athiff
For Respondents : Mr.P.Subbaraj
Counsel for State.

ORDER

The petitioner seeks a direction to the first respondent to decide the application for enhancement of compensation under Section 3G(5) of the National Highways Act, 1956, by applying the relevant provisions of Act 30 of 2013 in respect of the determination of compensation.

2.The petitioner states that the land bearing Survey No.329/1A, Lalgudi Village, Tiruchirappalli was owned by him. Such land was acquired under the National Highways Act, 1956. An award under Award No.20 of 2017 dated 20.11.2017 was issued. In view of the dissatisfaction with the amount awarded towards compensation, the petitioner filed an application dated 31.01.2019 for enhanced compensation before the first respondent, who is the designated Arbitrator for such purpose under Section 3G(5) of the National Highways Act. The petitioner states that such application has not been decided and, in fact, no progress has been made in respect



thereof.

3.Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of both the respondents. He submits that the first respondent may be directed to consider and dispose of such application on merits.

4.The provisions of the Arbitration and Conciliation Act, 1996, have been made applicable to proceedings for enhanced compensation under Section 3G(5) of the National Highways Act, 1956. The Arbitration and Conciliation Act stipulates a time limit for the conclusion of the proceedings. A time limit of six (6) months has been fixed for completion of pleadings and a further limit of twelve (12) months from the date of completion of pleadings for the conclusion of the proceedings. Such time limits have been fixed so as to ensure that such proceedings are concluded expeditiously. In the case at hand, it appears that the petitioner has filed the application on 31.01.2019 and has followed up by a representation dated 09.07.2021. Consequently, it is just and necessary that such application be disposed of expeditiously in accordance with law.

5.For reasons set out above, W.P.(MD) No.15396 of 2021 is disposed of by directing the first respondent to decide the petitioner's application dated 31.01.2019 in accordance with law after providing a reasonable opportunity to the petitioner and the National Highways authorities. Such proceedings shall be decided by way of an arbitral award within a period of nine (9) months from the date of receipt of a copy of this order. Such order shall be passed after taking into account the removal of difficulties order issued in 2015 in respect of the applicability of Act 30 of 2013 to such proceedings.

6.W.P(MD) No.15396 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.



To

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

2.The Special District Revenue Officer (LA),
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+1 CC to M/s.The Special Government Pleader (SR-27749[F] dated
01/09/2021)

W.P (MD) No.15396 of 2021
31.08.2021

RS (07.09.2021) 3P 4C