



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.9147 of 2022

P.M.Roga Barani

...Petitioner

Vs.

1. The District Collector/Arbitrator,
Cuddalore,
Cuddalore District.

2. The Special District Revenue Officer,
Land Acquisition,
National Highways-45A,
Collector Office Complex,
Cuddalore District.

...Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the first respondent herein to pass orders on the petitioner's representation dated 27.09.2019 and 28.02.2022 with regard to enhancement of the compensation amount awarded in Arbitration award passed by the second respondent herein in his proceedings Na.Ka.Tha.Na.45A/Ne.A/A1/32/2014 dated 12.07.2018, taking into account all relevant factors including the present day market value, solarium with interest, on merits and in accordance with law within a time frame as fixed by this Court.

For Petitioner : Mr.G.Bala and Daisy

For Respondents: Mr.M.Murali
Government Advocate

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent herein to pass orders on the petitioner's representations dated 27.09.2019 and 28.02.2022 with regard to enhancement of the compensation amount awarded in Arbitration award passed by the second respondent herein in his proceedings Na.Ka.Tha.Na.45A/Ne.A/A1/32/2014 dated 12.07.2018, taking into account all relevant factors including the present day market value, solatium with interest, on merits



and in accordance with law, within a time frame as may be fixed by this Court.

2.The grievance of the petitioner is that the petitioner's land was acquired by the second respondent for the purpose of expanding the National Highways 45A (Villupuram-Pondicherry-Cuddalore-Nagapattinam). However, they fixed only very meagre compensation without considering the value of the residential property, commercial building, wells, and trees. Subsequently, the petitioner came to know that the respondents had granted higher amount of compensation to the adjoining properties. Hence, the petitioner has made appeals/representations dated 27.09.2019 and 28.02.2022 before the first respondent under Section 3G (5) of the National Highways Act, seeking determination of the award amount. As the said representations made by the petitioner has evoked no response from the first respondent/Arbitrator, the petitioner has filed the present Writ Petition.

3.Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice, if this Court issues direction to the first respondent to consider the petitioner's appeals/representations dated 27.09.2019 and 28.02.2022 and pass orders on the same within a particular time frame that may be fixed by this Court.

4.The learned Government Advocate appearing for the respondents has no objection for said order being passed.

5.In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioner's appeals/representations dated 27.09.2019 and 28.02.2022 and pass appropriate orders on the same on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

jd/rap



To

1. The District Collector/Arbitrator,
Cuddalore,
Cuddalore District.

2. The Special District Revenue Officer,
Land Acquisition,
National Highways-45A,
Collector Office Complex,
Cuddalore District.

+1cc to Mr.G.Bala & Daisy, Petitioner Advocate, S.R.No.25399

+1cc to the Government Pleader, Respondent Advocate, S.R.No.26535

W.P. No.9147 of 2022

NR(CO)
RGA(05/05/2022)