



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.11007 of 2022

K.Ramanathan

.... Petitioner

Versus

1. The District Collector,
Ariyalur District,
Ariyalur.

2. The Special District Revenue Officer,
Land Acquisition for National Highways No.227,
Ariyalur.

3. The Special Tahsildhar,
Land Acquisition for National Highways No.227,
Unit - I, KPN Nagar,
Ariyalur.

.... Respondents

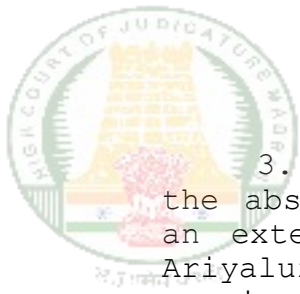
Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the 1st respondent to refer the determination of the compensation relating to land in SF No.83/2G1A at Reddiypalayam revenue Village, Ariyalur Taluk, Ariyalur District measuring an extent of 605 square meters to the Arbitrator in terms of section 3-G (5) of the National Highways Act, 1956.

For Petitioner : Mr.S. Kamadevan
For Respondents : Mr.Yogesh Kannadasan,
Spl. Govt. Pleader

ORDER

This writ petition has been filed seeking for a direction to the first respondent to refer the determination of the compensation relating to land in SF No.83/2G1 A at Reddipalayam revenue Village, Ariyalur Taluk, Ariyalur District measuring an extent of 605 square meters to the Arbitrator in terms of section 3-G(5) of the National Highways Act, 1956.

2. Mr.Yogesh Kannadasan, learned Additional Government Pleader accepts notice for the respondents. In view of the limited relief sought for in this petition, on the consent expressed by the Learned counsel appearing for either side, this petition is taken up for final disposal.



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3. The case of the petitioner is that the petitioner is the absolute owner of the property in S. No.83/2G1 measuring an extent of 0.26.50 Ares at Reddipalayam revenue village, Ariyalur Taluk, Ariyalur District. While so, the respondents acquired the petitioner's land for expanding the road, "National Highway No.227" and accordingly notices were issued and thereafter, the petitioner has filed his objection. However, without considering any of his objections, the Award came to be passed for the petitioner's land. Hence, he submitted a representation to the respondents on 21.06.2021 to refer the dispute to an Arbitrator in terms of Section 3G (5) of the National Highways Act, 1956. However, the respondents have not taken any steps so far. Therefore, the petitioner has filed the present writ petition with the aforesaid prayer.

4. The learned counsel for the petitioner submits that this Court may issue a direction to the first respondent to consider the petitioner's representation dated 21.06.2021 to refer the dispute to an Arbitrator in terms of 3G(5) of the Act, within a time frame to be fixed by this Court.

5. The learned Special Government Pleader appearing on behalf of the respondents submitted that the representation will be considered in accordance with law within the reasonable time as fixed by this Court.

6. Heard, the learned counsel for the petitioner as well as the learned Special Government Pleader appearing for the respondents, and perused the materials available on record.

7. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court directs the first respondent to refer the dispute to the Arbitrator in terms of 3G(5) of the Act and shall pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order after providing sufficient opportunity to the petitioner.

8. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

vsi2



To

1. The District Collector,
Ariyalur District,
Ariyalur.

2. The Special District Revenue Officer,
Land Acquisition for National Highways No.227,
Ariyalur.

3. The Special Tahsildhar,
Land Acquisition for National Highways No.227,
Unit - I, KPN Nagar,
Ariyalur.

+1 cc to Mr.S.Kamadevan, Advocate Sr.NO. 28988

+1 cc to Government Pleader Sr.NO. 30447

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GP(CO)

A.SK(26/05/2022)