



WEB COPY



W.P.Nos.16192 & 16195 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. Nos.16192 & 16195 of 2022

1.M.Anbalaghan	... Petitioner in W.P.No.16192 of 2022
2.V.Srinivasan	... Petitioner in W.P.No.16195 of 2022

Vs.

1.The District Collector/Sole Arbitrator
Dharmapuri District,
Collectorate Complex,
Dharmapuri – 636 705.

2.Competent Authority &
Special District Revenue Officer – Land Acquisition,
National Highways – 844,
(Hosur-Royakottai – Dharmapuri Section),
Dharmapuri. ... Respondents in both W.Ps

Prayer in W.P.No.16192 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent authority to act upon the petitioner's claim petitions filed under Section 3G(5) of the National Highways Act, 1956, dated 16.07.2020 and 05.04.2022 and further representation dated 04.05.2022 and grant the petitioner herein adequate opportunity as contemplated under the Arbitration and Conciliation Act, 1996 by providing copies of the following: (1) Defence Statement of the 2nd respondent and reasonable time to file a reply statement, (2) Copies of last three years sale



W.P.Nos.16192 & 16195 of 2022

statistics in respect of the locality and revenue village in which the petitioner's land is situated, obtained from the Registration Department, (3) Copies of all records relied upon by the 2nd respondent for passing the award under Section 3G(1) of the National Highways Act, 1956, (4) strictly follow the provisions of Sections 26 to 30 and procedure contemplated in First Schedule of the Central Act 30 of 2013 and grant opportunity to the petitioner for filing further written submissions and thereafter pass final award under Section 3G(5) of the National Highways Act, 1956, for determining the compensation for the land in S.No.418/3A O.S.No.418/3, S.No.418/4A2 O.S.No.418/4A, S.No.418/3B1, O.S.No.418/3 and S.No.418/4A1B, O.S.No.418/4A, situated in A.Reddihalli Village, Dharmapuri Taluk, covered in joint patta No.1241 within a time to be stipulated by this Court.

Prayer in W.P.No.16195 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 1st respondent authority to act upon the petitioner's claim petitions filed under Section 3G(5) of the National Highways Act, 1956, dated 28.04.2021 and 23.02.2022 and further representation dated 16.05.2022 and grant the petitioner herein adequate opportunity as contemplated under the Arbitration and Conciliation Act, 1996 by providing copies of the following: (1) Defence Statement of the 2nd respondent and reasonable time to file a reply statement, (2) Copies of last three years sale statistics in respect of the locality and revenue village in which the petitioner's land is situated, obtained from the Registration Department, (3) Copies of all records relied upon by the 2nd respondent for passing the award under Section 3G(1) of the National Highways Act, 1956, (4) strictly follow the provisions of Sections 26 to 30 and procedure contemplated in First Schedule of the



W.P.Nos.16192 & 16195 of 2022

Central Act 30 of 2013 and grant opportunity to the petitioner for filing further written submissions and thereafter pass final award under Section 3G(5) of the National Highways Act, 1956 and as per the provisions of Arbitration and Conciliation Act, 1996, for determining the compensation for the land in S.No.522/1C1, O.S.No.522/1C, situated in Kadagathur Village, Dharmapuri Taluk, covered in patta No.1990 within a time to be stipulated by this Court.

For Petitioner : Mr.S.Thanka Sivan
(In both W.Ps.)

For Respondents : Mr.G.Krishna Raja
(In both W.Ps.) Additional Government Pleader

COMMON ORDER

Since the issue involved and the relief sought for in these two Writ Petitions are identical in nature, the same were heard together and disposed of vide this common order.

2. Mr.G.Krishna Raja, learned Additional Government Pleader takes notice on behalf of the respondents.

3. The grievance of the petitioners is that their lands were acquired by the National Highways Authorities under the provisions of National Highways Act, 1956 for the purpose of widening the existing National



W.P.Nos.16192 & 16195 of 2022

Highways 844. With regard to the above, originally an Award was passed on 29.05.2020 and 27.02.2021, respectively. Subsequently, by an Award dated 17.03.2022 and 04.08.2021, respectively, another additional extent of land was acquired. As against the award passed by the second respondent, the petitioners have filed claim petitions dated 16.07.2020, 05.04.2022, 28.04.2021 and 23.02.2022, respectively, seeking fixation of fair and enhanced compensation under Section 3G(5) of the National Highways Act, 1956, before the first respondent for arbitration. The petitioners have approached the first respondent repeatedly with regard to the claim petitions filed by them and requested the office of the first respondent to follow the procedure contemplated under the Central Act 30 of 2013. The petitioners have also submitted further representations dated 04.05.2022 and 16.05.2022, respectively to the first respondent in this regard. However, till date, the petitioners' claim petitions and representations were not considered by the first respondent. Hence, the petitioners are before this Court.

3. The learned counsel appearing for the petitioners submitted that though the first respondent/District Collector acted as an Arbitrator for determining the fair compensation amount under Section 3G(5) of the National Highways Act, 1956, without following the procedure contemplated



W.P.Nos.16192 & 16195 of 2022

under the Arbitration and Conciliation Act, 1996 the first respondent/District Collector had mechanically passed the Award. Hence, this Court may issue a direction to the first respondent to entertain the claim petitions and representations filed by the petitioners and to pass appropriate orders after following the procedure contemplated under the Arbitration and Conciliation Act, 1996 within a stipulated time frame as fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no objections for the said order being passed.

5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. In view of the limited prayer sought for by the petitioners, this Court without expressing any opinion on the merits of the case, directs the first respondent/District Collector to entertain the claim petitions dated 16.07.2020, 05.04.2022, 28.04.2021 and 23.02.2022, respectively and further representations dated 04.05.2022 and 16.05.2022, respectively, filed by the petitioners and pass appropriate orders after following the procedure contemplated under the Arbitration and Conciliation Act 1996, within a



W.P.Nos.16192 & 16195 of 2022

period of twelve weeks from the date of receipt of a copy of this order.

WEB COPY

7. With the above directions, these writ petitions are disposed of. No costs.

28.06.2022

Index : Yes / No
Speaking order : Yes / No
rsi

To

1. The District Collector/Sole Arbitrator
Dharmapuri District,
Collectorate Complex,
Dharmapuri – 636 705.

2. Competent Authority &
Special District Revenue Officer – Land Acquisition,
National Highways – 844,
(Hosur-Royakottai – Dharmapuri Section),
Dharmapuri.



WEB COPY



W.P.Nos.16192 & 16195 of 2022

M.DHANDAPANI, J.

rsi

W.P. Nos.16192 & 16195 of 2022

28.06.2022