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W.P.No.26598 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.26598 of 2022

P. Mathaswaran

...Petitioner

Vs.

1. The District Collector Cum Arbitrator
Salem District.

2. Special District Revenue Officer(Land Acquisition)
The Competent Authority Land Acquisition,
National Highways-68 Room No.414,
4th Floor, Collector Office Building,
Salem – 636 001

3. The Project Officer,
National highways Authority of India – 68
Salem.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st respondent to dispose the arbitration case file No.844/Arb by considering petitioner's representation dated 02.08.2022 and pass orders.



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For Petitioner : Mr.K. Sudhakar
For Respondents 1 and 2 : Mr.K.M.D. Muhilan
Additional Government Pleader
For Respondent 3 : Mr.S.V. Srinivasan
(Standing Counsel)

ORDER

By consent of both the parties this writ petition is taken up for disposal at the admission stage itself.

2. The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the 1st respondent to dispose the arbitration case file No.844/Arb by considering petitioner's representation dated 02.08.2022

3. The case of the petitioner is that the subject property was initially owned by the petitioner's father and after his demise the petitioner's mother became the absolute owner of the property. Thereafter petitioner's mother had executed a power of attorney to the petitioner in respect of the subject property. The further case of the petitioner is that the 2nd respondent has acquired the subject property and awarded a very meagre compensation.



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Aggrieved over the same the petitioner's father filed an appeal in Arbitration No.657 of 2013 before the first respondent seeking to enhance the compensation. However the first respondent has not passed any orders in Arbitration No.657 of 2013. Hence this petition.

4. The learned counsel for the petitioner submitted that the 2nd respondent has erroneously fixed a very meagre compensation. However, it would suffice, if this Court issues direction to the respondents to consider the petitioners representation dated 02.08.2022 and pass appropriate orders within a reasonable time fixed by this Court.

5. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioner's representation dated 02.08.2022 will be considered on merits and in accordance with law.

5. Considering the limited relief sought for by the petitioner this Court directs the first respondent to consider the petitioner's representation dated 02.08.2022 and dispose of the appeal petition in Arbitration No.657 of 2013



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and fix the value of the petitioner's property. The said exercise shall be carried out by the first respondent within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. With the above terms, this present writ petition is disposed of. No costs. Consequently the connected miscellaneous petition is closed.

10.10.2022

Speaking Order : Yes/ No
Index : Yes/ No

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To

1. The District Collector Cum Arbitrator
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M.DHANDAPANI,J.

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