



WEB COPY



W.P.No.26567 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.26567 of 2022

G.Devkia

... Petitioner

Versus

1.The Arbitrator & District Collector
Thiruvallur District

2.The Project Director
National Highways Authority of India
Project Implementation Unit – Chennai
Sri Tower, 3rd Floor, DP-34 (SP)
Chennai – 600 032

3.The Special District Revenue Officer (LA)
NH 205, No.3 & 4, Lal Bagadthur Sasthri Street
Periyakuppam Railway Street
Near Thulasi Street
Thiruvallur – 602 001

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the third respondent to pay the petitioner the enhanced compensation as per the proceedings of the first respondent made in Rc.No.22581/2016/F2/Arbitration dated 31.08.2020 for the petitioner's lands measuring to an extent 438 sq.mtr situated in S.No.139/2B2,



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Panapakkam Village, Tiruttani Taluk, Thiruvallur District.

For Petitioner : Mr.M.P.Saravanan
For Respondents : Mr.Su.Srinivasan
Standing Counsel for R2.

Mr.K.M.D.Muhilan for R1 & R3
Government Advocate

ORDER

This writ petition has been filed seeking for issuance of direction to the third respondent to pay the petitioner the enhanced compensation as per the proceedings of the first respondent made in Rc.No.22581/2016/F2/Arbitration dated 31.08.2020 for the petitioner's lands measuring to an extent 438 sq.mtr situated in S.No.139/2B2, Panapakkam Village, Tiruttani Taluk, Thiruvallur District.

2. The case of the petitioner is that the second respondent had acquired the petitioner's husband land situated in S.No.139/2B2 at Panapakkam Village, Tiruttani Taluk, Thiruvallur District under the National Highways Act. The award fixing compensation was passed on 24.08.2011 in favour of the petitioner in Award No. 13 of 2011. Dissatisfied with the quantum of compensation being fixed, the petitioner's husband invoked Section 3(G)5 of National Highways Act seeking inference of Arbitrator for fixation of correct market value filed petition



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before the first respondent. Based on the report of the third respondent, The first respondent vide proceedings in Rc.No.22581/2016/F2/Arbitration dated 31.08.2020 enhanced the compensation value for the petitioner's land measuring an extent of 438 sq.mts.,. Along with the interest of 9% per annum to paid for the excess amount determined from the date of taking possession under 3D(1) of the Act. Subsequently, petitioner's husband died on 12.09.202. However, till date, the same amount has not been deposited in favour of the petitioner. Hence, this petition.

3. Though very many grounds have been raised in this writ petition, the learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the third respondent to pay the petitioner's enhanced compensation as per the proceedings of the first respondent made in Rc.No.22581/2016/F2/Arbitration dated 31.08.2020 within a time limit as fixed by this Court.

4. The learned Special Government Pleader as well as the learned standing counsel appearing for the respondents have no objection for the said order being passed.



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5. In view of the limited relief sought for by the petitioners, this Court without expressing any opinion on the merits of the case, issues direction to the third respondent to pay the petitioner, the enhanced compensation as per the proceedings of the first respondent made in Rc.No.22581/2016/F2/Arbitration dated 31.08.2020 for the petitioner's lands within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment.

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

30.09.2022

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To

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