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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27070 of 2019

Chengalvarayan

.... Petitioner

Vs

1. The District Collector/Arbitrator,
O/o.The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Special District Revenue Officer (LA),
National Highways - 205,
Thiruvallur.
3. The Project Director,
National Highways Authority of India,
Chennai - 600 016.

.... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to number the Arbitration Petition filed by the petitioner under Section 3G(5) of the National Highways Act, 1956 for enhanced compensation to the acquired land of the petitioner.

For Petitioner : Ms.A.Subadra

For R1 & R2 : Mr.G.Krishna Raja
Additional Government Pleader

For R3 : Mr.Su.Srinivasan

ORDER

This writ petition has been filed for issuance of Writ of Mandamus, directing the first respondent to number the Arbitration Petition filed by the petitioner under Section 3G(5) of the National Highways Act, 1956, for enhanced compensation to the acquired land of the petitioner.



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2. Heard, Ms.A.Subadra, learned counsel appearing for the petitioner Mr.G.Krishna Raja, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.Su.Srinivasan, learned counsel appearing for the third respondent.

3. The case of the petitioner is that the land, comprised in survey No.96/8A2A to an extent of 799 sq.mts, in survey No.74/1A2 to an extent of 712.65 sq.mts, in survey Nos.27/25A1B and 27/26A1 to an extent of 51.97 and 142.50 sq. mts (totally 194.27 sq.mts) and in survey No.25/14A8B to an extent of 56.50 sq.mts, owned by the petitioner. The said lands were acquired by the second respondent under Section 3A of the National Highways Act for widening of National Highways-205 from Alamelumangapuram Village to Pakkam Village, Tiruttani Taluk, Thiruvallur District. After acquisition, an award was passed in Award No.45 of 2011 in R.C.No.5/2009/NH-205/Unit-I dated 05.11.2012. Aggrieved by the same, the petitioner filed an application for enhancement of compensation as early as on 07.01.2016 before the first respondent, who is an Arbitrator, to enhance the compensation as provided under Section 3G(5) of the National Highways Act, 1956. However, even today, the first respondent did not take any steps to dispose of the same.

4. Considering the above, the first respondent is directed to number and dispose of the appeal filed by the petitioner, after giving an opportunity of hearing to the petitioner and 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, if not already disposed of.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS-II)

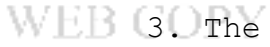
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Sub Assistant Registrar

Lpp

To

1. The District Collector/Arbitrator,
O/o.The District Collector,
Thiruvallur District,
Thiruvallur.



3. The Project Director,
National Highways Authority of India,
Chennai - 600 016.

+1cc to the Government Pleader, S.R.No.6839

KG (CO)
SU (25/02/2022)