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W.P.Nos.863, 869 & 874 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.863, 869 & 874 of 2023 and
W.M.P.No.851 of 2023

L.Mahendiran	..	Petitioner in W.P.No.863 of 2023
Anbazhagan	..	Petitioner in W.P.No.874 of 2023
Asaithambi	..	Petitioner in W.P.No.869 of 2023

VS

1. The Secretary to Government
Ministry of Road Transport & Highways
Government of India
National Highways Authority of India
G 5 & 6, Sector-10, Dwarka
New Delhi – 110 075.
2. The Arbitrator cum District Collector
Collectorate Office
Dharmapuri District, Dharmapuri – 15.
3. Competent Authority &
Special District Revenue Officer – Land Acquisition
National Highways – 844
(Hosur – Royakottai – Dharmapuri Section)
Dharmapuri.



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4. The Project Director (NH 844)
National Highways Authority of India
PIU – Krishnagiri
259/1. Salem Main Road
Near KAKC Petrol Bunk, Krishnagiri.

Respondents in
W.P.Nos.863 &
869 of 2023

1. The Arbitrator cum District Collector
Collectorate Office
Dharmapuri District, Dharmapuri – 15.

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

3. The Project Director (NH 844)
National Highways Authority of India
PIU – Krishnagiri
259/1. Salem Main Road
Near KAKC Petrol Bunk, Krishnagiri.

Respondents in
W.P.No.874 of 2023

Prayer in W.P.No.863 of 2023: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to pass appropriate orders on the claim petition dated 05.01.2021, 02.10.2021 & 14.11.2022 made by the petitioner under Section 3G (5) of the National Highways Act, 1956, by reconsidering the Awards dated 23.10.2020 & 12.07.2022 passed in respect of his land measuring 35 sq.mtrs. comprised in S.No.190/1A1 & measuring 370 sq. mtrs S.No.190/1B1, covered in Patta No.464 & 253 Gollahalli Village, Dharmapuri District by assessing the value of well, standing crops and other trees available in his lands and grant adequate opportunity to the petitioner by furnishing 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 and allowing the petitioner to peruse all records and filing written submissions and re-fix the compensation as per the provisions of Schedule I & II and Section 26(1) a & b of the Central Act 30 of 2013, by following the procedure contemplated under Section 29 of the



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Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) within the time frame to be fixed by this Hon'ble Court;

Prayer in W.P.No.874 of 2023: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondent authority to act upon the predecessor representation dated 09.10.2019, 19.07.2021 and representation dated 06.07.2022 and 21.11.2022 submitted by the petitioner and follow the procedure contemplated under the Sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and grant adequate opportunity to the petitioner by furnishing 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 and allowing the petitioner to peruse all records and filing written submissions and re-fix the compensation as per the provisions of Schedule I & II and Section 26(1) a & b of the Central Act 30 of 2013, and enhance the compensation in respect of land measuring 350 Sq. mts comprised in S.No.497/2C new S.No.497/2C covered in Patta No.3013, Virupatchipuram Village, Dharmapuri Taluk and District, within the time frame to be fixed by this Hon'ble Court and also following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act, 1996;

Prayer in W.P.No.869 of 2023: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to pass appropriate orders on the claim / representation dated 06.09.2022 made by the petitioner under Section 3G (5) of the National Highways Act, by reconsidering the two awards dated 14.06.2022 passed by the Special District Revenue Officer – Land Acquisition, National Highways – 844, (Hosur – Royakottai – Dharmapuri Section) and enhance the compensation in respect of his land comprised in S.Nos.842/1, New. S.Nos.842/1A, land measuring 157.50 Sq.mtrs., (each person) and New S.Nos.843/1B, land measuring 1125 Sq.mtrs., (each person) (total extent of 5130 Sq.mtrs) Patta No.307, Erranahalli Village and post, Palacode Taluk, Dharmapuri District by following the Section 26 to 30 procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013), and grant adequate opportunity to the petitioner by furnishing 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 and



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allowing the petitioner to peruse all records and filing written submissions and re-fix the compensation as per the provision of Schedule I & II and Section 26(1) a & b of the Central Act 30 of 2013 and within the time frame to be fixed by this Hon'ble Court and also following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act, 1996.

For Petitioners in : Mr.R.Ramesh Raja
all W.Ps

For Respondents : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader
for respondents 2 & 3 in
W.P.Nos.863 & 869 of 2023
and for respondents 1 & 2 in
W.P.No.874 of 2023

Mr.A.Murugan
Addl. Central Govt. Standing Counsel
for respondent 1 in
W.P.Nos.863 & 869 of 2023

Mr.Su.Srinivasan
Standing Counsel
for respondent 4 in
W.P.Nos.863 & 869 of 2023
and for respondent 3 in
W.P.No.874 of 2023

COMMON ORDER

Since the issue raised in these writ petitions are one and the same, with the consent of the learned counsel appearing for both sides, all these writ petitions were heard together and are disposed of by this common order.



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2. In all these writ petitions, invariably, the prayer sought for was to consider the appeal petitions filed by the respective petitioners under Section 3G(5) of the National Highways Act, 1956 by the District Collector-cum-Arbitrator to decide the arbitration appeals on merits and pass orders within a time frame that may be stipulated by this Court.

3. Reiterating the aforesaid, the learned counsel appearing for the petitioners seeks indulgence of this Court to give direction to that effect.

4. Heard Mr.R.Neelakandan, learned Additional Advocate General assisted by Mr.Yogesh Kannadasan, learned Special Government Pleader, who would submit that, the appeals filed under Section 3G(5) of the National Highways Act, 1956, pending before the District Collector-cum-Arbitrator would be considered and decided, on merits and in accordance with law, within a time frame that may be stipulated by this Court.

5. Considering the limited scope of the prayer sought for in this writ petition and having regard to the said submissions made by the learned Special



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Government Pleader, this Court is inclined to dispose of these writ petitions with the following orders:

That there shall be a direction to the second respondent i.e, the District Collector-cum-Arbitrator in all the cases respectively to take up the respective appeals, filed by the respective petitioners under Section 3G(5) of the National Highways Act, 1956 for enhancement of compensation and decide the same, as appeal under the provisions of the arbitration Act, after giving opportunity of being heard to both the petitioner as well as the respondents within a period of twelve weeks from the date of receipt of a copy of this order.

6. With these directions, these writ petitions are disposed of. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Index: Yes/No
Neutral Citation :Yes/No
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R. SURESH KUMAR, J.

(drm)

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