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W.P.No.6016 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.6016 of 2023

V.Thangammal

.. Petitioner

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

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent authority to act upon the petitioner's claim petition filed under Section 3G (5) of the National Highways Act 1956, dated 11.07.2020 and further representation dated 06.12.2021 and grant the petitioner herein adequate opportunity as contemplated under the Arbitration and Conciliation Act, 1996 by providing the following:

(1) Defence statement and all documents relied upon by the second respondent and reasonable time to file a reply statement

(2) Copies of last three years land sales 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 second respondent for passing



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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 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, setting aside the award dated 05.06.2020 passed by the second respondent and fix the fair compensation as per the highest of the guideline value and average sale value of the lands in A.Reddihalli Village, for the petitioner's land in S.No.417/2E1 (79 sq.mtrs) and S.No.417/2D2 (3373 sq.mtrs) A.Reddihalli Village, Dharmapuri Taluk and District.

For Petitioner : Mr.S.Thanka Sivan

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the first respondent Authority to act upon the petitioner's claim petition filed under Section 3G (5) of the National Highways Act, 1956, dated 11.07.2020 and further representation dated 06.12.2021 and grant the petitioner herein adequate opportunity, as contemplated under the Arbitration and Conciliation Act, 1996 by providing the following:

(i) Defence statement and all documents relied upon by the second respondent and reasonable time to file a reply statement;



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(ii) Copies of last three years land sales statistics in respect of the locality and revenue village in which the petitioner's land is situated, obtained from the Registration Department;

(iii) Copies of all records relied upon by the second respondent for passing the award under Section 3G (1) of the National Highways Act, 1956;

(iv) Strictly follow the provisions of Sections 26 to 30 and procedure contemplated in First Schedule of the Central Act 30 of 2013 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, setting aside the award dated 05.06.2020 passed by the second respondent and fix the fair compensation as per the highest of the guideline value and average sale value of the lands in A.Reddihalli Village, for the petitioner's land in S.No.417/2E1 (79 sq.mtrs) and S.No.417/2D2 (3373 sq.mtrs) A.Reddihalli Village, Dharmapuri Taluk and District.

2. The petitioner's land has been acquired, for which, award has been passed



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by the second respondent on 05.06.2020. Not satisfied with the same, the petitioner filed an arbitration appeal before the first respondent / District Collector on 11.07.2020 under Section 3G (5) of the National Highways Act, 1956. In order to consider the said arbitration appeal and to decide the same by invoking the provisions of the Arbitration Act, the petitioner has moved the present writ petition with the aforesaid prayer.

3. Heard Mr.S.Thanka Sivan, learned counsel appearing for the petitioner and Mr.P.Sathish, learned Additional Government Pleader appearing for the respondents.

4. Learned Additional Government Pleader appearing for the respondents would submit that, the arbitration appeal filed under Section 3G (5) of the said Act pending before the first respondent would be considered and decided, on merits and in accordance with law, especially under the provisions of the Arbitration Act within a time frame that may be stipulated by this Court.

5. Considering the said submissions made by both sides and especially



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having regard to the said stand taken by the learned Additional Government

Pleader appearing for the respondents, this Court is inclined to dispose of this writ

petition with the following orders:

That there shall be a direction to the first respondent / District Collector / Arbitrator to decide the arbitration appeal filed by the petitioner dated 11.07.2020 under Section 3G (5) of the National Highways Act, 1956, on merits and in accordance with law, by invoking the provisions of the Arbitration Act, after giving opportunity of being heard to the petitioner and orders shall be passed on the said appeal within a period of eight weeks from the date of receipt of a copy of this order.

6. With these directions, the writ petition is disposed of. There will be no order as to costs.

Index: Yes/No

28.02.2023

Neutral Citation :Yes/No

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R. SURESH KUMAR, J.

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