



WEB COPY

WP No.11424 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-07-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.11424 of 2023

S.Kala

... Petitioner

Vs.

1.The District Collector,
Mayiladuthurai District.

2.The Special District Revenue Officer (LA),
National Highways 45A,
Nagapattinam District.

3.The Special Tahsildar (LA),
Tharangambadi Taluk,
Mayiladuthurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent herein to conduct enquiry and pass orders in the arbitration application dated 04.01.2021 submitted by the petitioner under Section 3G(5) of the National Highways Act, 1956 for the land acquired by the second respondent for widening of National Highway NH45A, in Plot Nos.13 and 14, bearing



S.No.162/1, measuring to an extent 880 sq.ft., in Thirumalai Nagar Phase II, Aakkur Pandaravadai Village, Tharangambadi Taluk, Mayiladuthurai District and dispose the same.

For Petitioner : Mr.M.S.Umesh for
Mr.P.Dinesh Kumar.

For Respondents-1 to 3 : Mr.E.Sundaram,
Government Advocate.

ORDER

The relief sought for in the present writ petition is to direct the first respondent to conduct an enquiry and pass orders in the Arbitration Application dated 04.01.2021 submitted by the petitioner under Section 3G(5) of the National Highways Act, 1956.

2. It is not in dispute that the land belonged to the petitioner has been acquired for Road Widening Project through National Highways Authority of India.

3. An Award was passed on 31.10.2019 and the petitioner submitted an application under Section 3G(5) of the National Highways Act, 1956 on 04.01.2021, seeking enhancement of compensation.



4. The learned counsel for the petitioner made a submission that the Arbitration Application is pending before the District Collector for the past more than two years and therefore, a direction is to be issued.

5. Right to property is the constitutional right under Article 300-A of the Constitution of India. The property right can be taken away only through the Authority of Law. In such circumstances, the just compensation is to be determined and the same has to be settled in favour of the landlosers without causing any undue delay. Since the right to property is the constitutional right, all such arbitration applications are to be disposed of by the Competent Authority, within a reasonable period of time.

6. In the present case, an Award was passed in the year 2019 and the petitioner submitted an Arbitration Application on 04.01.2021.

7. This being the factum established, the first respondent is directed to dispose of the Arbitration Application submitted by the petitioner on 04.01.2021 on merits and in accordance with law, within a period of four



weeks from the date of receipt of a copy of this order.

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8. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

03-07-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To



1. The District Collector,
Mayiladuthurai District.
2. The Special District Revenue Officer (LA),
National Highways 45A,
Nagapattinam District.
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S.M.SUBRAMANIAM, J.

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