



WEB COPY

W.P.No.14004 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.14004 of 2023

Mrs.V.Shanthi

... Petitioner

Vs.

1.The District Collector,
Chengalpattu District,
Chengalpattu.

2.The District Collector,
Kancheepuram District,
Kancheepuram.

3.The Competent Authority / Special District Revenue Officer (L.A.),
National Highways Scheme,
Kancheepuram.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent herein to refer the matter to the Arbitrator for determination of proper compensation in respect of the petitioner's land and building in Survey No.338/7A 1B measuring 87 sq.mtr and Survey No.338/7A 1A measuring 68 sq.mtr in No.83, Pudupattinam Village, Thirukahukundram Taluk, Chengalpattu District (previously Kancheepuram District) by fixing a time limit.



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For Petitioner : Mr.M.S.Subramanian
For Respondents : Mr.T.Arun Kumar,
Additional Government Pleader

ORDER

The relief sought for in the present Writ Petition is to direct the 3rd respondent herein to refer the matter to the Arbitrator for determination of proper compensation in respect of the petitioner's land and building in Survey No.338/7A 1B measuring 87 sq.mtr and Survey No.338/7A 1A measuring 68 sq.mtr in No.83, Pudupattinam Village, Thirukahukundram Taluk, Chengalpattu District (previously Kancheepuram District).

2. It is not in dispute that the land and building belonged to the petitioner was acquired for public purposes. An award was passed and compensation was determined by the Land Acquisition Officer. The petitioner has already received the compensation, thereafter an application was filed under Section 3-G(5) of the National Highways Act, 1956 to the 3rd respondent / competent authority.

3. Since the said application was not referred to the District Collector /



Arbitrator, the petitioner has chosen to file the present Writ Petition.

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4. The learned Additional Government Pleader raised an objection by stating that the application was not properly submitted before the District Collector under Section 3-G(5) of the National Highways Act, 1956 and therefore, there was no occasion for the Arbitrator to consider the application. Thus, the petitioner is at liberty to submit a fresh application under 3-G(5) of the National Highways Act, 1956 to the District Collector, Chengalpattu District within a period of two (2) weeks from the date of receipt of a copy of this order.

5. On receipt of the application, the District Collector / Arbitrator is directed to consider the application submitted by the petitioner under the relevant provisions of the Statutes and Rules in force and pass orders on merits and in accordance with law as expeditiously as possible.



6. In fine, the Writ Petition stands disposed of. No costs.

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Index : Yes / No

Speaking order

To

- 1.The District Collector,
Chengalpattu District,
Chengalpattu.
- 2.The District Collector,
Kancheepuram District,
Kancheepuram.
- 3.The Competent Authority / Special District Revenue Officer (L.A.),
National Highways Scheme,
Kancheepuram.



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S.M.SUBRAMANIAM, J.

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