



W.P.No.19136 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.19136 of 2023

and

W.M.P.No.18389 of 2023

Munirathinam

... Petitioner

vs.

1. The Arbitrator Cum District Collector,
Collectorate Office,
Dharmapuri District,
Dharmapuri-15.
2. Competent Authority And
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



W.P.No.19136 of 2023

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondent to pass appropriate orders on the claim petition dated 29.05.2023 made by the petitioner, by appointing competent engineers / officials for assessing the value of the land comprised in S.No.366/7B, one steel roofing sheet house, trees and other structures and amenities etc. in land measuring 4012.5 and 127.5 sq.mtrs comprised in survey No.366/7B, Jakkasamuthiram village Palacode Taluk, Dharmapuri, enhance and pay appropriate compensation to the petitioner by reconsidering the two awards dated 13.08.2021 and 20.03.2023 by strictly following the procedure contemplated under section 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 provision of the Central Act 30 of 2013 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 : Mr.Ramesh Raja

For Respondents : Mr.C.Jaya Prakash, Govt. Advocate



W.P.No.19136 of 2023

WEB COPY

ORDER

The land belonging to the petitioner had been acquired for expansion of road project by the National Highways Authority of India. It is not in dispute between the parties that an award has already been passed and the compensation has been determined by the original authority.

2.The learned counsel for the petitioner stated that the petitioner is not satisfied with the valuation of the land fixed by the authorities, and thus, the petitioner preferred an appeal before the Arbitrator under Section 3-G (5) of the National Highways Act, 1956.

3.The learned counsel for the petitioner mainly contended that the valuation of the building possessed by the petitioner had not been properly conducted and it was undervalued and therefore, before demolition, revaluation is to be conducted and accordingly, compensation is to be determined.



W.P.No.19136 of 2023

4.The learned counsel for the petitioner states that in the batch of writ petitions, this court directed for revaluation of the buildings already acquired, in WP.No.27412 of 2021, etc., dated 22.12.2022.

5.Since the appeal is pending, this Court is not inclined to adjudicate the issues on merits. However, the first respondent Arbitrator cum District Collector, Dharmapuri District, is directed to consider and dispose of the appeal filed by the writ petitioner within a period of four (4) weeks from the date of receipt of a copy of this order and till such time, the building belonging to the petitioner need not be demolished.

6.Accordingly, the writ petition stands **disposed of**. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

03.07.2023



W.P.No.19136 of 2023

To
WEB COPY

1. The Arbitrator Cum District Collector,
Collectorate Office,
Dharmapuri District,
Dharmapuri-15.
2. Competent Authority And
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.



WEB COPY



W.P.No.19136 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.19136 of 2023

03.07.2023