



WEB COPY

W.P.No.22394 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22394 of 2023

and

W.M.P.No.21788 of 2023

Nanjundan

... Petitioner

Vs.

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

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to pass appropriate



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orders on the claim petition dated 09.02.2021 and 20.06.2023 made by the petitioner, by appointing a competent engineers/officials for assessing the value of the joint well measuring 30x40 feet width and 50 feet depth, water tank 5x5 feet, side bore well measuring 250 feet depth inside the open well, vegetable plants, flower plants, standing crops, other structures and other amenities comprised in the above said Survey No's in S.No.366/4B and 366/5B Jakkasamuthiram village, Palacode Taluk, Dharmapuri enhance and pay appropriate compensation to the petitioner by reconsidering the Award dated 12.11.2020 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 peruse all records and filing written submissions and re-fix the compensation as per the provision of the Central Act 30 of 2013 within a time frame and also following the procedures contemplated under Sections 18 to 27 of the Arbitration and Conciliation Act, 1996.

For Petitioner	: Mr.R.Ramesh Raja
For R1 and R2	: Mr.C.Jayaprakash Government Advocate
For R3	: Mrs.S.R.Sumathy



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ORDER

The grievance of the writ petitioner is that reference has been made under Section 3G(5) of the National Highways Act. Arbitration proceedings is now pending before the Arbitrator cum District Collector/first respondent.

2.The petitioner states that the land belonging to him which was acquired is a joint well with vegetable plants, flower plants, standing crops, other structures and other amenities. Therefore, assessment for all these superstructures and additional amenities available in the acquired land is to be taken into consideration for assessing the quantum of compensation to be settled.

3.The learned counsel appearing on behalf of the third respondent National Highways Authority of India raised an objection by stating that the PWD authorities have already assessed the superstructure, fixtures and the amenities in the subject property and compensation also has been settled.

4.However, the arbitration proceedings are now pending before the



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first respondent. Thus, the petitioner is at liberty to raise all these grounds before the first respondent for adjudication of the issues in the manner known to law.

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5. With these observations, the writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

28.07.2023

cse

Index : Yes/No

Speaking order/Non-Speaking Order

Neutral Citation : Yes /No



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To

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S.M.SUBRAMANIAM, J.

cse

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