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W.P.No.22632 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22632 of 2023

and

W.M.P.No.22081 of 2023

Putamma

... Petitioner

Vs.

1.The Arbitrator cum District Collector,
Collectorate Office,
Krishnagiri District, Krishnagiri – 15.

2.Competent Authority / Special District Revenue
Officer – Land Acquisition,
National Highways – 844,
(Hosur – Royakottai – Dharmapuri Section),
Krishnagiri District.

3.The Project Director (NH 844),
National Highways Authority of India,
PIU – Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pass appropriate orders on the claim petition dated 22.05.2023 and 20.07.2023 made by the petitioner by appointing a competent engineers / officials for assessing the value of the land comprised S.No.880/2A2B along with residential building, commercial shops and movable and immovable structures and other amenities available in land measuring 232 sq. mtrs, comprised in S.No.880/2A2B situated at Onalvaadi Village, Hosur Taluk, Krishnagiri District and enhance and pay appropriate compensation to the petitioner by reconsidering the Award dated 14.09.2022 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 20 of 2013 within the time frame to be fixed by this Honourable Court and also following the procedures contemplated under section 18 to 27 of the Arbitration and conciliation Act, 1996.

For Petitioner	: Mr.Ramesh Raja
For R1 & R2	: Mr.G.Krishna Raja, Additional Government
For R3	: Mrs.S.R.Sumathy

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.



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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.

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 office, Krishnagiri 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.



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

01.08.2023

skr

Index : Yes

Speaking order

To

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Krishnagiri District, Krishnagiri – 15.

2.Competent Authority / Special District Revenue Officer
– Land Acquisition,
National Highways – 844,
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S.M.SUBRAMANIAM, J.

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