



WEB COPY

W.P.No.26245 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26245 of 2023

and

W.M.P.No.25646 of 2023

M.Govindaraj

... Petitioner

Vs.

1.The Arbitrator cum District Collector,
Collectorate Office,
Dharmapuri District.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to act upon the petitioner's claim petition filed under Section 3G(5) of the National Highways Act 1956, dated 25/5/2023 and reconsider the Award dated 22.1.2021 passed by the 2nd respondent and direct the 1st respondent to appoint the competent engineer and to re-value the residential building, and movable and immovable structures and other amenities available in land measuring 123 sq.mtrs., comprised in survey No.368/2B acquired land in



Jakkasamuthiram Village, palacode Taluk, Dharmapuri District as per Section 29 of the above said Act and to give the valuation report to petitioner and to conduct the proper enquiry and enhance the compensation in respect of acquiring land and by following the procedure contemplated under the Section 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and Arbitration & Conciliation Act 1996.

For Petitioner : Mr.R.Ramesh Raja

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader.

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, 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.



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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.

07.09.2023

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

(sha)

To

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S.M.SUBRAMANIAM, J.

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