



WEB COPY

W.P.No.26137 of 2023 etc.,



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.26137, 26147, 26156, 26161, 26167, 26176, 26178,
26180 & 26183 of 2023 &
W.M.P.Nos.25531, 25545, 25554, 25561, 25565,
25572, 25573, 25578, 25591 of 2023

In W.P.No.26137 of 2023

V.Narayanappa

... Petitioner

Vs.

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

2.Competent Authority and Special District Revenue Office (LA),
National Highways 948A, STRR,
Thenkanikotai Road,
Arul Vajaram Complex Dinner,
Hosur, Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the first respondent to act upon the petitioner's claim petition filed under section 3G(5) of the National Highways Act, 1956, dated 25.06.2023 and reconsider the Award dated 20.01.2023



passed by the second respondent and directing the first respondent to appoint the competent engineer and to re-value the mold house, bore well, well, pvc pipe, water tank, trees, one sheet house and other structure available in half of share acquire land in measuring 344 Sq. mtrs, in S.No.653/1A, and land measuring 3600 Sq. mtrs, in S.No.653/3A, Moranapalli Village, Hosur Taluk, Krishnagiri District as per Sec 29 of the above said (RFCTLARR Act 2013) and to give the valuation report to the petitioner and conduct the proper enquiry and enhance the compensation in respect of land and structures comprised in the above said survey Nos. in Moranapalli Village, Hosur Taluk, Krishnagiri District, 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 to follow Section 18 to 27 of the Arbitration and Conciliation Act, 1996.

For Petitioner : Mr.M.Ramesh Raja

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

COMMON ORDER

The lands belonging to the respective petitioners had been acquired for expansion of road project by the National Highways Authority of India. It is not in dispute between the parties that separate awards have already been passed and the compensation has been determined by the original authority.



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

3. The learned counsel for the petitioners mainly contended that the valuation of the buildings possessed by the petitioners 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 petitioners state that in the batch of writ petitions, this Court directed for revaluation of the buildings already acquired, in W.P.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 petitioners within a period of four (4) weeks from the



date of receipt of a copy of this order and till such time, the subject properties belonging to the petitioners need not be demolished.

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6. Accordingly, the writ petitions stand disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

08.09.2023

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Index : Yes
Speaking order



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S.M.SUBRAMANIAM, J.

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