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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.26285, 26287, 26288, 26289 & 26290 of 2023 &
W.M.P.Nos.25689, 25690, 25691, 25692 & 25693 of 2023

In W.P.No.26285 of 2023

Muniraj

... Petitioner

Vs.

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

2.Competent Authority and Special District Revenue Officer (LA),
National Highways – 844,
(Hosur – Royakottai – Dharmapuri Section),
Dharmapuri 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 15.07.2023 and reconsider the Award dated 04.10.2021 and 31.03.2023 passed by the second respondent and directing the first respondent to appoint the competent engineer and to re-value the well, trees



and other movable and immovable structures in land measuring 854 comprised in survey No.379/14C, land measuring 150 sq. mtrs., comprised in survey No.379/14B as per Sec 29 of the above said Act and to give the valuation report to the petitioner and to conduct the proper enquiry and enhance the compensation in respect of land in Jittandahalli Village, Palacode Taluk, Dharmapuri District, and direction to the first respondent to pay the compensation for trees by following the procedure contemplated under 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 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.

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.

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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.

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Index : Yes

Speaking order



To

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S.M.SUBRAMANIAM, J.

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