



WEB COPY

W.P.No.26213 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26213 of 2023
and
W.M.P.No.25613 of 2023

Smt.Celci

... Petitioner

Vs.

- 1.The Special Tahsildhar,
(Land Acquisition),
Bangalore-Chennai Express Road Scheme,
Division-III, Kancheepuram,
Kancheepuram District.
- 2.The Competent Authority and
Special District Revenue Officer (LA),
National Highways,
Kancheepuram Post & District.
- 3.The Project Director,
P.I.V. Kancheepuram,
National Highways Authority of India,
No.20, 1st Floor, Pallavan Nagar Main Road,
Maduravoyal, Chennai-600 092.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to refer the



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claim of the petitioner for enhanced compensation with respect of her property measuring 30 cents (1178 sq.mt.) in S.No.279/2A2 of Molachur Village to the arbitrator appointed by the Central Government as per Sec.3 (G) (5) of the National Highways Act 1956.

For Petitioner	: Mr.S.Krishnasamy
For R1 and R2	: Mr.T.Arunkumar, Additional Government Pleader.
For R3	: Mr.Su.Srinivasan, Standing Counsel for NHAI.

ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent to refer the claim of the petitioner for enhanced compensation with respect to her properties.

2. It is not in dispute that the land belonged to the petitioner was acquired for National Highways Project and compensation determined was paid to the petitioner. The petitioner received the compensation without prejudice to her claim for enhancement of compensation. The petitioner sent an application to the competent Authority for seeking enhancement of compensation.



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3. Under section 3(G)(5) of the National Highways Act, the petitioner has to submit an application to the Arbitrator/District Collector concerned for the purpose of conducting an enquiry and to consider her case for grant of enhancement of compensation. Since the petitioner has submitted an application before the wrong Authority, the said application was not considered. Thus, the petitioner is at liberty to submit a fresh application to the District Collector/Arbitrator within a period of two (2) weeks from the date of receipt of copy of this order and on receipt of any such application, the same may be adjudicated by considering the grounds raised by the petitioner and with reference to the documents and the Arbitrator shall dispose of the same as expeditiously as possible.

4. With this direction, the Writ Petition stands **disposed of**.
Consequently, the connected miscellaneous petition is closed. No Costs.

07.09.2023

Index: Yes
Speaking order

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S.M.SUBRAMANIAM, J.

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To

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