



WEB COPY

W.P.Nos.28520, 28528, 28531, 28541, 28547 and 28550 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28520, 28528, 28531, 28541, 28547 and 28550 of 2023
and

W.M.P.Nos.28070, 28082, 28086, 28095, 28099 and 28101 of 2023

W.P.No.28520 of 2023

Chinnapapa

... Petitioner

Vs.

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

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to act up on the petitioner's claim petition filed under Section 3-G(5) of the National Highways Act, 1956 dated 15.07.2023 and reconsider the Award dated 30.03.2023 and to



appoint a competent engineers/officials for assessing the re-value of the entire house, cow sheds, trees and all other structures and other amenities existing in my lands in land measuring 71 sq.mtrs (41 Sq.mtrs belongs to Chinapapa and 32 sq.mtrs belongs to Manikam) comprised in S.No.212/12M2 and direct to give report copy to the petitioner following Section 29(1)(2)(3) of the above said Act, 2013 and to enhance the compensation for land together with structures and amenities situated in the said land, Survey Nos. 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 Section 17 of the Arbitration and Conciliation Act, 1996.

For Petitioners : Mr.R.Rameshraj
(in all W.Ps)

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader
(in all W.Ps)

COMMON ORDER

The land belonging to the 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 an award has already been passed and compensation has been determined by the original authority.



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2. The learned counsel for the petitioners states that the petitioners are not satisfied with the valuation of the land 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 building 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 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 1st 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 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.

29.09.2023

skr

Index : Yes

Speaking order

Neutral Citation : Yes

To

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

skr

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