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W.P.Nos.28344, 28348, 28351, 28356, 28360 and 28364 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.28344, 28348, 28351, 28356, 28360 and 28364 of 2023
and

W.M.P.Nos.27882, 27889, 27894, 27896, 28360 and 27904 of 2023

W.P.No.28344 of 2023

M.Pachiammal

... 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 pass appropriate orders on the claim petition / representation dated 08.09.2020 made by the petitioner under Section 3-G(5) of the National Highways Act, to reconsider the



Awards dated 30.07.2020 passed by the 2nd respondent and to appoint the competent engineer to revalue, well, motor room, 5 H.P. Motor inside the well and 2 water tank, tress and other structures comprised in the above said S.No's and give report copy to the petitioner and enhance the compensation in respect of our land an extent of 2765 sq.mtr. Comprised in S.No.223/211 and land measuring 115 sq.mtrs. comprised in S.No.223/2C2, along with structures, Pulikarai Village, Palacode Taluk, Dharmapuri District by following the procedure contemplated under the Section 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Conciliation Act 2013 (Central Act 30 of 2013) 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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Land Acquisition,
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S.M.SUBRAMANIAM, J.

skr

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