



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.26522 of 2023

Zareen Taj Choudhry

... Petitioner

Vs.

1. The District Collector cum Arbitrator
Kancheepuram - 631 501

2. The District Revenue officer (LA)
National Highways (Kancheepuram Thiruvallur District)
Thiruvallur,
Kancheepuram - 631 501

3. The Special Tahsildar
National Highways
Bangalore- Chennai Express Way
Kancheepuram - 631 501

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the respondents to consider the representation dated 13.03.2019 and 16.08.2023 and permit the petitioner to participate in the Arbitration as per the Arbitration Clause under the National Highways Act, 1956, to get an adequate compensation for the acquired land.

For Petitioner : Mr.R.Karthik for
M/s.R.K.Law Firm

For Respondents : Mr.V.Arun
Additional Advocate General
assisted by T.Venkatesh Kumar
Special Government Pleader

ORDER



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This Writ Petition is filed for a writ of Mandamus directing the respondents to consider the representation dated 13.03.2019 and 16.08.2023 and permit the petitioner to participate in the Arbitration as per the Arbitration Clause under the National Highways Act, 1956, to get an adequate compensation for the acquired land.

2. The contention of the petitioner is that the petitioner's land has been acquired and the compensation has also been fixed by the competent authority. The petitioner who is aggrieved by the quantum of compensation fixed by the competent authority, made a representation before the District Collector-cum-Arbitrator and as per Section 3-G of the National Highways Act, the District Collector-cum-Arbitrator has to decide the matter as to whether the petitioner is entitled for enhancement of compensation. Though the petitioner has made the representation on 13.03.2019 and 16.08.2023, so far, the District Collector has not passed any order. Hence, the petitioner has approached this Court by way of this writ petition.



3. Mr. V. Arun, learned Additional Advocate General assisted by T. Venkatesh Kumar, Special Government Pleader submitted that the District Collector-cum-Arbitrator is the competent authority to fix the enhancement of compensation.

4. Though the petitioner has already approached the District Collector-cum-Arbitrator under Section 3-G of the said Act, so far, the District Collector has not passed any order. Even he has not sent any notice to the writ petitioner and even he has not taken any steps on the petitioner's representation. Since the petitioner has already lost his land, he feels that he is not able to get fair compensation.

5. Hence, this Court, taking into consideration the submissions made by the learned counsel on either side, without expressing any opinion with regard to the merits of the case, directs the respondents to consider the petitioner's representation dated 13.03.2019 and 16.08.2023 and conduct enquiry and pass orders on merits and in accordance with law, after giving notice and opportunity of hearing to the petitioner and all the interested parties/rival claimants if any, within a period of three months from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. There



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shall be no order as to costs.

07.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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P.VELMURUGAN. J.

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