



WEB COPY



W.P.No.27662 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27662 of 2023
and
W.M.P.No.27132 of 2023

Gandhiyammal

...Petitioner

Vs

- 1.The Arbitrator cum District Collector,
Office of the District Collectorate,
Krishnagiri, Krishnagiri District.
- 2.The Competent Authority cum DRO,
Land Acquisition,
National Highway No.844,
Krishnagiri, Krishnagiri District.
- 3.The Special Tahsildar,
National Highway No.844,
Hosur, Krishnagiri District.
- 4.The National Highways Authority of India,
Represented by its Project Director [NH 844],
PIU – Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for

issuance of a Writ of Mandamus, directing the 1st respondent to pass appropriate orders on the appeal/claim petition dated 11.08.2023 made by the petitioner, by appointing competent engineers/officials for assessing the value of the land comprised in S.No.112/1C1A (New S.No.112/1C1A) measuring an extent of 200 sq.mtrs. At Karukkanahalli Village, Denkanikottai Taluk, Krishnagiri District along with Temple Building (Structure) and others and to direct the 2nd respondent to revisit and fix the value for the well and borewell which were left out in the award dated 29.03.2023 and enhance and pay appropriate compensation to the petitioner by reconsidering the award dated 29.03.2023 by strictly following the procedure contemplated under Sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and refix the compensation as per the provision of the Central Act 30 of 2013 within the time frame fixed by this Court and also following the procedures contemplated under Sections 18 to 27 of the Arbitration and Conciliation Act, 1996.



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For Petitioner : Mr.S.Yudhish Padman
For R1 to R3 : Mr.G.Krishna Raja
Additional Government Pleader
For R4 : Mr.Su.Srinivasan

ORDER

The relief sought for in the present writ petition is to direct the first respondent to pass appropriate orders on the appeal/claim petition filed by the petitioner on 11.08.2023.

2.The land belonged to the petitioner was acquired. Admittedly, award has been passed and the quantum of compensation was determined. The petitioner has already preferred an appeal under Section 3G(5) of the National Highways Act, 1956 seeking enhancement of compensation. In respect of the grievances now raised in the present writ petition that superstructures relating to well and bore well are not assessed properly, the petitioner is at liberty to raise additional grounds before the District Collector/Arbitrator, who in turn shall consider the issues on merits and pass appropriate orders as expeditiously as possible.



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WEB COPY 3. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2023

cse

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No



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S.M.SUBRAMANIAM, J.

cse

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