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W.P.No.31910 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31910 of 2023
and
W.M.P.No.31494 of 2023

Jayaraj

versus

... Petitioner

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

.....Respondents



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Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to pass appropriate orders on the appeal/claim petition dated 28.04.2023 made by the petitioner, by appointing competent engineers/officials for assessing the value of the land measuring an extent of 535 sq.mtrs. comprised in S.No.215/3B (S.No.215/3B1) and Super Structures (House Building), Bore Well, Trees and other amenities and to revisit and fix correct value for the Super Structures (House Building), Bore Well, trees and other amenities at Jittandahalli Village, Palacode Taluk, Dharmapuri District, enhance and pay appropriate compensation to the petitioner by reconsidering the award dated 30.12.2022 by strictly following the procedure contemplated under Section 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 grant adequate opportunity to the Petitioner by furnishing copies of last three years sale statistics in respect of the locality and revenue village in which the petitioner's land is situated obtained from the Registration Department and allowing the petitioner to peruse all records and filing written Submissions and re-fix the compensation as per the provision of the central Act 30 of 2013 within the time frame to be fixed by this Hon'ble court and also following the procedures contemplated under Section 18 to 27 of the Arbitration and conciliation Act 1996.

For Petitioner : Mr.J.Ramesh



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For Respondents : Mr.P.Gurunathan
Additional Government Pleader
for R1 to R3

Mr.Su.Srinivasan
Standing Counsel for NHAI
for R4

ORDER

Mr.P.Gurunathan, learned Additional Government Pleader takes notice for respondents 1 to 3 and Mr.Su.Srinivasan, learned Standing Counsel for NHAI takes notice for 4th respondent. By consent of both the parties the writ petition is taken up for final disposal at the admission stage, itself.

2. This Writ Petition has been filed seeking a Mandamus directing the 1st respondent to pass appropriate orders on the appeal/claim petition dated 28.04.2023 made by the petitioner, by appointing competent engineers/officials for assessing the value of the land measuring an extent of 535 Sq.mtrs. comprised in S.No.215/3B (S.No.215/3B1) and Super Structures (House Building), Bore Well, Trees and other amenities and to revisit and fix correct value for the said property and enhance and pay appropriate compensation to the petitioner by reconsidering the Award dated 30.12.2022 by strictly following the procedure contemplated under

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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 grant adequate opportunity to the petitioner by furnishing copies of last three years sale statistics in respect of the locality and revenue village in which the petitioner's land is situated obtained from the Registration Department and allowing the petitioner to peruse all records and filing written submissions and re-fix the compensation as per the provision of the Central Act 30 of 2013 within the time frame to be fixed by this Court and also following the procedures contemplated under Sections 18 to 27 of the Arbitration and conciliation Act, 1996.

3. The learned counsel for the petitioner submitted that though the petitioner preferred the appeal/claim petition dated 28.04.2023 to the first respondent, till date the said appeal/claim petition is pending without any consideration. Hence, the petitioner is before this Court.

4. The learned Additional Government Pleader appearing for respondents 1 to 3 fairly submitted that the petitioner's appeal/claim petition would be considered and disposed of by the first respondent on merits and in accordance with law, within a time frame to be stipulated by this Court.

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5. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the first respondent to dispose of the appeal dated 28.04.2023, preferred by the petitioner and pass appropriate orders, on merits and in accordance with law, after issuing notice to the petitioner and any other interested parties, within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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P.VELMURUGAN, J.

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