



WEB COPY



W.P.No.34860 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.34860 of 2022

P.Velmurugan

... Petitioner

Vs

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

2.The Competent Authority and Special District,  
Revenue Officer, Dharmapuri (Land Acquisition  
for National Highways – 844)  
Hosur – Salem Green Corridor Express Highway  
Dharmapuri Collectorate Office,  
Dharmapuri.

3.The Project Director,  
National Highways Authority of India,  
(Project Implementation Unit),  
No.259/1 Salem Main Road,  
Near KAKC Petrol Bunk,  
Krishnagiri.

... Respondents

**Prayer :** Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents considering the petitioner's representation dated 12.09.2022 and to pay enhanced compensation of award amount and Additional market value in



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respect of property situated at No.89, Jittandahalli Village, Palacode Taluk, Dharmapuri District, comprised in Survey No.373/1A, Patta No.855 in an extent of 455 sq.mtrs acquired for the purpose of widening four lane of National Highways No.844.

For Petitioner : Mr.D.Ramesh Kumar

For Respondents : Mr.P.Sathish  
Additional Government Pleader  
for R1 & R2  
: Mr.Su.Srinivasan  
Standing Counsel for R3

### **ORDER**

The prayer sought for herein is for a writ of mandamus directing the respondents considering the petitioner's representation dated 12.09.2022 and to pay enhanced compensation of award amount and Additional market value in respect of property situated at No.89, Jittandahalli Village, Palacode Taluk, Dharmapuri District, comprised in Survey No.373/1A, Patta No.855 in an extent of 455 sq.mtrs acquired for the purpose of widening four lane of National Highways No.844.

2. The petitioner's land at Jittandahalli Village, Palacode Taluk, Dharmapuri District was acquired under National Highways Act and a compensation has been fixed at the rate of Rs.725/- per sq.mtr.



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3. Not satisfied with the same, the petitioner preferred an appeal by way of an arbitration application on 12.09.2022 to the 1<sup>st</sup> respondent/District Collector cum Arbitrator and in order to decide the said arbitration appeal, the petitioner has approached this Court by filing the present writ petition.

4. Heard Mr.D.Ramesh Kumar, learned counsel appearing for the petitioner, Mr.P.Sathish, learned Additional Government Pleader appearing for respondents 1 and 2 and Mr.Su.Srinivasan, learned Standing Counsel appearing for the 3<sup>rd</sup> respondent.

5. The learned Additional Government Pleader for respondents 1 and 2 would submit that, within a reasonable time the arbitration application submitted by the petitioner before the 1<sup>st</sup> respondent would be decided on merits and in accordance with law under Section 3G(5) of the National Highways Act, 1956.

6. Considering the limited scope of the prayer sought for herein and having regard to the said submission made by the learned Additional



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Government Pleader for respondents 1 and 2, this Court is inclined to dispose of this writ petition with the following order:

There shall be a direction to the 1<sup>st</sup> respondent to decide the arbitration application submitted by the petitioner to the 1<sup>st</sup> respondent on 12.09.2022 after giving an opportunity of being heard to the petitioner and pass necessary orders thereon on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs.

03.01.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl



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R.SURESH KUMAR, J.

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