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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P(MD)No.2200 of 2023
and
W.M.P.(MD)Nos.1982 & 1983 of 2023

1.A.O.Muniyandi

2.P.Rajamani ... Petitioners

**Vs.**

1.The Collector cum Arbitrator,
Sivagangai Collector Office,
Sivagangai.

2.The Project Director,
National High Ways Authority of India,
Project Implementation Unit,
No.1, 2nd Floor, Subramaniapuram 3rd Street,
Karaikudi,
Sivagangai District.

3.The Special District Revenue Officer (Land Acquisition)
Competent Authority Land Acquisition under NH Act,
National Highways-49, Collector Office Complex,
Ramanathapuram-623503.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the

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records of the third respondent relating to the Award dated 25.11.2021 in Na.Ka.N.H.49/Unit-IV/S2/198/2013/1124/2021 and quash the same and consequently, direct the first respondent to pass a fresh award as per the first schedule to the Right to Fair Compensation and Transparency to Land Acquisition, Rehabilitation and Resettlement Act, 2013 by taking into consideration of the crucial date of publication in the newspaper ie., 01.06.2012 for the determination of the market value in respect of the petitioner's land in S.Nos.7/1B1A, 5/6, 6/1 and 6/2 at Nelmudikarai Village, Thiruppuvanam Taluk, Sivagangai District and award additional compensation to the petitioners under Section 30(3) of the 2013 Act for the period from 29.03.2012 upto 15.04.2015 (taking possession) and award interest on the said compensation to be determined within the time stipulated by this Court on the basis of the petitioner's representation dated 17.01.2022 and 11.04.2022 respectively.

For Petitioners : Mr.K.Jegadeesan

For Respondents : Mr.G.Suriyananth
Additional Government Pleader for R1 & R3
: Mr.Sankara
Standing Counsel
for M/s.Arul Vadivel Associates for R2

**ORDER**

Heard the learned counsel on either side.

2. The petitioner's land were acquired under the provision of the National Highways Act. The competent authority has passed an order dated 25.11.2021 determining compensation payable to him.

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3. The petitioner's case is that the determination of the compensation is not correct. He is having serious objection regarding quantum. He relies on the order dated 22.07.2021 made in W.P.(MD)No.14914 of 2020 etc., batch as against the order passed by the competent authority. The petitioner has an effective remedy under Section 3(G)(5) of the National Highways Act, 1956. The petitioner has in fact availed such remedy. The copy of the arbitration petition filed before the first respondent has been enclosed at Page Nos.179 & 186 of the typed set of papers.

4. The first respondent is directed to conduct enquiry and pass award thereon within a period of six months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

**03.02.2023**

Index : Yes / No
Internet : Yes/ No
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To

1.The Collector cum Arbitrator,
Sivagangai Collector Office,
Sivagangai.

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**G.R.SWAMINATHAN, J.**

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2.The Special District Revenue Officer (Land Acquisition)
Competent Authority Land Acquisition under NH Act,
National Highways-49, Collector Office Complex,
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W.P(MD)No.2200 of 2023

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