

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2869 of 2020

K.Mariappan

.. Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to refer the petitioner's claim before the Principal District Court, Tuticorin for enhancing the compensation for the acquisition of lands in Survey Nos.55/9, 55/10, 55/11, 55/12 and 55/13 total extent of 1 acre and 20 cents situated at Inam Maniyachi Village, Kovilpatti Taluk, Tuticorin District within the stipulated time that may be fixed by this Court.

For Petitioner : Mr.V.Karthikeyan

For Respondents : Mr.A.Sivanupandian
Government Advocate

ORDER

This writ petition has been filed by the petitioner seeking a direction to the respondents to refer the petitioner's claim to the Principal District Judge, Tuticorin, for enhancing the compensation with reference to the lands in Survey Nos.55/9, 55/10, 55/11, 55/12 and 55/13 measuring a total extent of 1 acre and 20 cents situated at Inam Maniyachi Village, Kovilpatti Taluk, Tuticorin District.

2. The lands have been acquired under the National Highways Act, 1956 (hereinafter referred to as “the Act”). Therefore, under Section 3G(5) of the Act, any person who is not satisfied with the award and wants an enhancement, has to file a claim petition before the Arbitrator, who in the instant case is the District Collector, Tuticorin. Therefore, though the petitioner has sought for a reference to the Principal District Judge, Tuticorin, considering the provisions of the Act, this Court directs the petitioner to file a claim petition before the District Collector,

Tuticorin, within a period of two weeks from the date of receipt of a copy of this order. The District Collector, Tuticorin, shall thereupon consider the same and pass orders on the said claim petition as per the provisions of the Arbitration and Conciliation Act, 1996, after affording an opportunity of personal hearing. It is made clear that the award shall be passed within a period of two months from the date on which the petitioner files his claim petition.

3. With the above directions, this Writ Petition is disposed of. No costs.

15.03.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes

abr

To

- 1.The District Collector,
Tuticorin District,
Tuticorin.
- 2.The Revenue Divisional Officer,
Kovilpatti,
Tuticorin District.

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P.T.ASHA, J.

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