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W.P. No.5657 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.5657 of 2024 and
W.M.P. No.6257 of 2024

Govindharaj

... Petitioner

Vs.

1. The Arbitrator cum District Collector
Collectorate Office
Charmapuri District

2. Competent Authority &
Special District Revenue Officer - Land Acquisition
National Highways - 844
(Hosur -Royakottai-Dharmapuri Section)
Dharmapuri District

3. The Project Director (NH 844)
National Highways Authority of India
PIU - Krishnagiri
259/1, Salem Main Road
Near KAKC Petrol Bunk
Krishnagiri District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to act upon



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the petitioner's claim petition filed under Section 3G(5) of the National Highways Act 1956, dated 07.09.2023 and to reconsider the Award dated 15.12.2022 passed by the second respondent and to direct the authorities to pay the deduced development charges of 33.33% land value of compensation in the Award to petitioner and to appoint the competent engineer and to value two bore well measuring each 750 feet land measuring 596 sq.mtrs. comprised in Survey No.215/3A1A1, Jittandahalli Village, Palacode Taluk, Dharmapuri District as per Section 29 of the above said Act and to give the valuation report to petitioner and to conduct proper enquiry and enhance the compensation in respect of acquiring land by following the procedure contemplated under the Section 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and also following the Arbitration & Conciliation Act, 1996.

For Petitioner : Mr.R.Rameshraj
For R1 and R2 : Mr.T.Arun Kumar
Additional Government Pleader
For R3 : Mr.Su. Srinivasan
Standing Counsel for NHAI

ORDER

This Writ Petition is filed seeking to issue to issue a Writ of Mandamus directing the 1st respondent to act upon the petitioner's claim petition filed under Section 3G(5) of the National Highways Act 1956, dated 07.09.2023 and to reconsider the Award dated 15.12.2022 passed by



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the second respondent and to direct the authorities to pay the deduced

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development charges of 33.33% land value of compensation in the Award

to petitioner and to appoint the competent engineer and to value two bore

well measuring each 750 feet land measuring 596 sq.mtrs. comprised in

Survey No.215/3A1A1, Jittandahalli Village, Palacode Taluk, Dharmapuri

District as per Section 29 of the above said Act and to give the valuation

report to petitioner and to conduct proper enquiry and enhance the

compensation in respect of acquiring land by following the procedure

contemplated under the Section 26 to 30 Right to Fair Compensation and

Transparency in Land Acquisition, Rehabilitation and Resettlement Act

2013 (Central Act 30 of 2013) and also following the Arbitration &

Conciliation Act, 1996.

2. The learned counsel for the petitioner submitted that the respondents acquired the subject property belongs to the petitioner.

Though they granted compensation, it is not a fair compensation.

Therefore, the petitioner made a claim petition dated 07.09.2023 before the



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1st respondent under Section 3G(5) of the National Highways Act 1956,

for enhancement of compensation and the same is still pending. Therefore, the present Writ Petition is filed.

3. Mr.T.Arun Kumar, learned Additional Government Pleader takes notice for the respondents 1 and 2. Mr.Su.Srinivasan, learned Standing Counsel for NHAI, takes notice for the 3rd respondent.

4. Having regard to the facts of the case and since the Writ Petition is filed seeking a simple Writ of Mandamus to direct the 1st respondent to consider the petitioner's claim petition/representation, this Court without expressing any opinion with regard to the merits of the case, directs the 1st respondent to consider the petitioner's claim petition/representation dated 07.09.2023 filed under Section 3G(5) of the National Highways Act and after issuing notice and giving opportunity of hearing to the petitioner, pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.



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5. With the above directions, this Writ Petition is disposed of at the

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admission stage itself. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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