



W.P.Nos.538 & 543 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.Nos.538 & 543 of 2024

W.P.No.538 of 2024

M.Poomani

... Petitioner

Vs.

1 The District Collector / Sole arbitrator,
Dharmapuri District
Collectorate complex,
Dharmapuri 636 705.

2 The Special District Revenue Officer- Land Acquisition,
National Highways 844
(Hosur Royakottai Dharmapuri section)
Dharmapuri.

3 G. Damodaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent authority to initiate arbitration proceedings on the claim petition dated 24.03.2023 filed by the petitioner for fixing higher compensation for the standing / yielding coconut and sappota trees in the land in S. No. 506 / 2A2A



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measuring 1183 Sq. mtrs. and S. No 509 / 1A23A measuring 2823 sq.mtrs. Virupatchipuram village, Dharmapuri Taluk, Dharmapuri District acquired from the petitioner by conducting enquiry as per section 3G (5) of the National Highways Act 1956 and the mandatory provisions of Arbitration and Conciliation Act 1996 including section 24 and also as per sections 26 to 30 of Central Act 30 of 2013 and also by appointing a competent officer under section 29 from viz Agricultural Engineer or Horticulture officer for valuation of the trees providing copies of such valuation report to the petitioner and by providing the following:

i. defence statement and all documents relied upon by the second respondent and reasonable time to file a reply statement.

ii. Copies of providing copies of valuation report in respect of standing crops in the said land.

Iii.Copies of all record relied upon by the second respondent for passing the award under Section 3G(1) of the National Highways Act, 1956.

iv. Strictly follow the provisions of Section 26 to 30 and procedure contemplated in First Schedule of the Central Act 30 of 2013.

and thereafter pass final award by fixing the fair compensation for the standing crops, within a stipulated time.

For Petitioner : Mr.S.Thanka Sivan



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For R1 & R2 : Mrs.V.Yamunadevi
Special Government Pleader

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1 G. Damodaran ... petitioner

Vs.

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent authority to initiate arbitration proceedings on the claim petition dated 24.03.2023 filed by the petitioner for fixing higher compensation for the petitioners land in S. No 506/ 2A2A measuring 1185 sq.mtrs. and 509/1A2 measuring 2823 sq.tr. Virupatchipuram village Dharmapuri Taluk Dharmapuri District and for the standing crops coconut and sappota trees in the land acquired from the petitioner by conducting



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enquiry as per section 3G (5) of the National Highways Act 1956 and the mandatory provisions of Arbitration and Conciliation Act 1996 including section 24 and also as per sections 26 to 30 of Central Act 30 of 2013 by providing the following:

i. defence statement and all documents relied upon by the second respondent and reasonable time to file a reply statement.

ii. Copies of last three years land sales statistics in respect of the locality and revenue village in which the petitioner's land is situated, obtained from the Registration Department.

iii. Copies of all records relied upon by the second respondent for passing the award under Section 3G(1) of the National Highways Act, 1956.

iv. Strictly follow the provisions of Section 26 to 30 and procedure contemplated in First Schedule of the Central Act 30 of 2013. and thereafter pass final award by fixing the fair compensation as per the highest of the guideline value and average sale value in Virupathichipuram Village within the stipulated time.

For Petitioner : Mr.S.Thanka Sivan

For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

COMMON ORDER



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The Writ Petition has been filed to issue a Writ of Mandamus directing the 1st respondent authority to initiate arbitration proceedings on the claim petition dated 24.03.2023 filed by the petitioner for fixing higher compensation for the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the official respondents.

3. Since there is no adverse order passed against the private respondents/R3, notice to the private respondent is dispensed with.

4. It is submitted by the learned Special Government Pleader appearing for the official respondents that the Arbitrator/District Collector, Dharmapuri District has passed the award on 08.11.2023 itself. Hence the relief sought for by the writ petitioner has become infructuous. However, the petitioner is at liberty to work out his remedy in the manner



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known to law.

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5. The Writ Petition has been filed to issue a Writ of Mandamus directing the first respondent authority to initiate arbitration proceedings on the claim petition dated 24.03.2023 filed by the petitioner for fixing higher compensation for the petitioner.

6. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

7. It is submitted by the learned Special Government Pleader appearing for the respondents that the Arbitrator/District Collector, Dharmapuri District has passed the award by following the seniority list. Since the petitioner's claim has not yet been reached, the same is pending on the file of the first respondent. Hence the Arbitrator/first respondent is directed to consider the petitioner's representation dated 24.03.2023 and after issuing notice and granting opportunity of hearing to the petitioner,



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pass orders on merits and in accordance with law and also as per seniority without further delay.

8. With the abovesaid directions, the Writ Petitions are disposed of. There shall be no order as to costs.

11.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No

To

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P.VELMURUGAN, J.

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