



W.P.No.7911 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.7911 of 2024

Kaverichetti

... Petitioner

Vs.

- 1.The Arbitrator cum District Collector,
Collectorate Office,
Dharmapuri District.
- 2.The 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



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent to pass appropriate orders on the claim petition dated 16.06.2023 made by the petitioner, to consider the Award dated 15.07.2020 to conduct the proper enquiry and enhance the compensation in respect of land measuring 3030 sq.mtrs. Comprised in survey No.366/2B, along with structures and other amenities etc. situated in the said 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 grant adequate opportunity to the petitioner by furnishing copies of sale statistics of three years before notification in respect of the locality and revenue village in which the petitioner's land is situated obtained from the Registration Department and allowing the petitioner to peruse all records and filing written submissions and re-fix the compensation as per the provision of the Central Act 30 of 2013 within the time frame to be fixed by this Hon'ble Court and adduce the evidence by following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act 1996.

For Petitioner : Mr.R.Ramesh Raja

For Respondents : Mr.A Selvendran for R1 & R2
Special Government Pleader
: Mrs.S.R.Sumathy for R3
Standing Counsel (NHAI)



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W.P.No.7911 of 2024

ORDER

The petitioner herein seeks a direction to 1st respondent to pass arbitration award in his claim petition dated 16.06.2023 within a stipulated time fixed by this Court.

2. According to the petitioner, he is the absolute owner of the land measuring 3030 sq.mtrs. in Survey No.366/2B, situated at Jakkasamuthiram Village, Palacode Taluk, Dharmapuri District.

3. A portion of above said land was acquired by the 2nd respondent for the purpose of laying Four-way Road - Hosur – Rayakottai – Dharmapuri – N.H.844. Aggrieved by the quantum of compensation fixed by the 2nd respondent, the petitioner sought for enhancement of compensation and the matter was referred to arbitration by 1st respondent. Though the claim petition of the petitioner seeking enhancement of compensation dated 16.06.2023 is pending on the file of the 1st respondent, till date, no order has been passed. Therefore, the petitioner is before this Court.



W.P.No.7911 of 2024

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4. Mr.A Selvendran, learned Special Government Pleader takes notice for the respondents 1 & 2 and Mrs.S.R.Sumathy, learned Standing Counsel takes notice for the 3rd respondent.

5. The learned Additional Government Pleader appearing for the respondents 1 & 2 would submit that the arbitral proceedings will be completed within the time fixed by this Court.

6. It is the duty of the 1st respondent to complete arbitral proceedings within the time limit prescribed under the Arbitration and Conciliation Act, 1996 and he cannot keep the arbitral proceedings pending for ever without passing final award. Therefore, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 1st respondent to complete the arbitral proceedings pending on his file in respect of claim made by the petitioner and pass final award on its own merit, within a period of six months from the date of receipt of a copy of this order.



W.P.No.7911 of 2024

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7. With the above direction, the Writ Petition stands disposed
of. No costs.

01.10.2024
(1/4)

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dna

To

- 1.The Arbitrator cum District Collector,
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- 2.The Competent Authority &
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W.P.No.7911 of 2024

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W.P.No.7911 of 2024
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