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W.P.No.7916 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.7916 of 2024

M.Krishnan

... 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 first respondent to act upon the petitioner's claim petition filed under Section 3G(5) of the National Highways Act 1956, dated 03.12.2022 and to reconsider the Awards dated 10.11.2021, 11.11.2021, 1.12.2021 and enhance the compensation awarded for the above acquired lands in the above said land measuring 840 sq.mtrs. comprised in S.No.622/3D new S.No.622/3D2, land measuring 517 sq.mtrs. comprised in S.No.622/1W new S.No.622/1W1, land measuring 741 sq.mtrs. comprised in S.No.622/3E new S.No.622/3E1, land measuring 600 sq.mtrs. comprised in S.No.622/1S new S.No.622/1S, land measuring 1048 sq.mtrs. comprised in S.No.622/1R new S.No.622/1R, land measuring 900 sq.mtrs. comprised in S.No.622/3B new S.No.622/3B, land measuring 645 sq.mtrs. comprised in S.No.622/1Q new S.No.622/1Q, land measuring 1100 sq.mtrs. comprised in S.No.622/IV new S.No.622/IV, land measuring 169 sq.mtrs. comprised in S.No.622/1T new S.No.622/1T, and other amenities situated in the said land, and to fixation of value and in the above said Survey Nos. 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 to 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 to consider my value arrived in mortgage deed and allowing the petitioner to peruse all records and filing



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written submissions and re-fix the compensation as per the provision of Schedule I & II and Section 26(1) a & b of the Central Act 30 of 2013 within the time frame to be fixed by and also adducing the evidence following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act.

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)

ORDER

The petitioner herein seeks a direction to 1st respondent to pass arbitration award in his claim petition dated 03.12.2022 within a stipulated time fixed by this Court.

2. According to the petitioner, he is the absolute owner of the lands measuring measuring 840 sq.mtrs. comprised in S.No.622/3D new S.No.622/3D2, land measuring 517 sq.mtrs. comprised in S.No.622/1W



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new S.No.622/1W1, land measuring 741 sq.mtrs. comprised in S.No.622/3E
new S.No.622/3E1, land measuring 600 sq.mtrs. comprised in S.No.622/1S
new S.No.622/1S, land measuring 1048 sq.mtrs. comprised in S.No.622/1R
new S.No.622/1R, land measuring 900 sq.mtrs. comprised in S.No.622/3B
new S.No.622/3B, land measuring 645 sq.mtrs. comprised in S.No.622/1Q
new S.No.622/1Q, land measuring 1100 sq.mtrs. comprised in S.No.622/IV
new S.No.622/IV, land measuring 169 sq.mtrs. comprised in S.No.622/1T
new S.No.622/1T, Jittandahalli Village, Palacode Taluk, Dharmapuri
District.

3. A portion of above said lands 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 03.12.2022 is pending on the file of the 1st respondent, till date, no order has been passed. Therefore, the petitioner is before this Court.



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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.



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

01.10.2024
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Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dna

To

- 1.The Arbitrator cum District Collector,
Collectorate Office,
Dharmapuri District.
- 2.The Competent Authority &
Special District Revenue Officer – Land Acquisition
National Highways -844,
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S.SOUNTHAR, J.

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