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W.P.No.7917 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.7917 of 2024

K.Varatharaju

... 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



W.P.No.7917 of 2024

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 14.05.2023 and 05.07.2023 and to reconsider the Awards dated 08.03.2023 and enhance the compensation in respect of my land measuring an extent of 708 sq.mtrs. Comprised in S.No.199/1D2, land measuring 350 sq.mtrs. comprised in S.No.199/1E, land measuring 770 sq.mtrs. Comprised in s.No.199/1F, land measuring 41 Sq.mtrs. Comprised in S.No.199/2A2, land measuring 1499 sq.mtrs. Comprised in S.No.199/2B2, land measuring 1054 sq.mtrs. comprised in S.No.199/3B2, land measuring 225 sq.mtrs. Comprised in S.No.200/2A, land measuring 237 sq.mtrs. Comprised in S.No.200/2B2, land measuring 2407 sq.mtrs. Comprised in S.No.202/4B, land measuring 484 sq.mtrs. Comprised in S.No.278/1, along with the structures in all survey No's covered in patta No.4681, Onnalvadi Village Hosur Taluk, Krishnagiri District 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) 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 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 by following the



W.P.No.7917 of 2024

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)

ORDER

The petitioner herein seeks a direction to 1st respondent to pass arbitration award in his claim petitions dated 14.05.2023 and 05.07.2023 within a stipulated time fixed by this Court.

2. According to the petitioner, he is the absolute owner of the land measuring an extent of 708 sq.mtrs. Comprised in S.No.199/1D2, land measuring 350 sq.mtrs. comprised in S.No.199/1E, land measuring 770 sq.mtrs. Comprised in s.No.199/1F, land measuring 41 Sq.mtrs. Comprised in S.No.199/2A2, land measuring 1499 sq.mtrs. Comprised in S.No.199/2B2, land measuring 1054 sq.mtrs. comprised in S.No.199/3B2,



W.P.No.7917 of 2024

land measuring 225 sq.mtrs. Comprised in S.No.200/2A, land measuring 237 sq.mtrs. Comprised in S.No.200/2B2, land measuring 2407 sq.mtrs. Comprised in S.No.202/4B, land measuring 484 sq.mtrs. Comprised in S.No.278/1, along with the structures in all survey No's covered in patta No.4681, Onnalvadi Village, Hosur Taluk, Krishnagiri 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 petitions of the petitioner seeking enhancement of compensation dated 14.05.2023 and 05.07.2023 are pending on the file of the 1st respondent, till date, no order has been passed. Therefore, the petitioner is before this Court.

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.



W.P.No.7917 of 2024

WEB COPY

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.7917 of 2024

WEB COPY

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

01.10.2024
(4/4)

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,
(Hosur – Royakottai – Dharmapuri Section)
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W.P.No.7917 of 2024

S.SOUNTHAR, J.

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W.P.No.7917 of 2024
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