



WEB COPY



WP.No.12190 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **30.04.2024**

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.12190 of 2024

P.Balu

.. Petitioner

Versus

1. The Arbitrator cum District Collector,
Collectorate Office, Dharmapuri District.
 2. The Competent Authority/ The Special District
Revenue Officer – Land Acquisition, Highways 844,
[Hosur – Royakottai – Dharmapuri Section,
Dharmapuri District.
 3. The Special Tahsildar [LA],
National Highways – 844,
[Hosur – Royakottai – Dharmapuri Section,
Dharmapuri District.
 4. The Project Director [NH 844],
National Highways Authorities 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 praying to issue a Writ of Mandamus directing the 1st respondent to act upon the petitioners claim/ representation dated 18.12.2023 and to reconsider the



WP.No.12190 of 2024

award dated 22.09.2023 and to direct the respondents to deposit the compensation amount fixed in the award into the petitioner's Bank Account and direct respondent to declare the acquired land as a commercial/residential type of class [As per NOC given by District Collector dated 12.12.2018 and to fix the value on considering the petitioner's lease agreement dated 27.12.2018 in Doc.No.3585/2018 and loss of income of the petitioner based upon the lease agreement as per section 28 of RFCTLARR Act 2018 and to enhance the compensation of the acquire land measuring 11544 sq.mtrs. Comprised in S.No.508/2B Virupatchepuram Village, Dharmapuri Taluk and District by following the procedure contemplated under the section 26 to 30 SCHEDULE 1 & II Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 [Central Act 30 of 2013] Schedule I, II and grant adequate opportunity to the petitioner by furnishing copies of last three years sale statistics obtained from the Registration Department in respect of the locality and revenue village in which the petitioner's land is situated and allow the petitioner to persue all records and filing written submissions as per sections 18 to 27 of the Arbitration and Conciliation Act 1996 and Rules contemplated by the Honourable Supreme Court, within the time to be stipulated by this Court.

For Petitioner : Mr.R.Ramesh Raja

For Respondents : Mr.S.Arumugham
Government Advocate – R1 & R3

Mr.Su.Srinivasan – R2 & R4



WP.No.12190 of 2024

ORDER

WEB COPY

With the consent of both sides, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition is filed to direct the first respondent to act upon the petitioners claim/ representation dated 18.12.2023 and to reconsider the award dated 22.09.2023 and to direct the respondents to deposit the compensation amount fixed in the award into the petitioner's Bank Account and direct respondent to declare the acquired land as a commercial/residential type of class, as per NOC given by District Collector dated 12.12.2018 and to fix the value on considering the petitioner's lease agreement dated 27.12.2018 in Doc.No.3585/2018 and loss of income of the petitioner based upon the lease agreement as per section 28 of RFCTLARR Act 2018 and to enhance the compensation of the acquire land measuring 11544 sq.mtrs. Comprised in S.No.508/2B Virupatchepuram Village, Dharmapuri Taluk and District by following the procedure contemplated under the section 26 to 30 SCHEDULE 1 & II Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 [Central Act 30 of 2013] Schedule I, II and grant adequate opportunity to the petitioner by furnishing copies of last three years sale statistics obtained from the Registration Department in respect



WP.No.12190 of 2024

of the locality and revenue village in which the petitioner's land is situated and allow the petitioner to peruse all records and filing written submissions as per sections 18 to 27 of the Arbitration and Conciliation Act 1996 and Rules contemplated by the Honourable Supreme Court, within the time to be stipulated by this Court.

3. Heard learned counsel for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

4. The case of the petitioner is that the lands of the petitioner has been acquired for laying national highways 844 and compensation has also been awarded. Challenging the same, the petitioner has filed claim petitions before the first respondent as per Section 3G[5] of the National Highways Act 1956 to reconsider the award dated 22.09.2023 and for enhancement of compensation. The grievance of the petitioner is that no enquiry has been conducted and the claim petition is pending without any progress. Hence, the present Writ Petition.

5. Considering the limited relief sought for in this writ petition, there shall be a direction to the first respondent to dispose of the claim petition filed



WP.No.12190 of 2024

by the petitioner dated 18.12.2023 for enhancement of compensation and pass Orders on the same in accordance with law within a period of two months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

30.04.2024

vrc

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No

To,

1. The Arbitrator cum District Collector,
Collectorate Office, Dhamapuri District.
2. The Competent Authority/ The Special District
Revenue Officer – Land Acquisition, Highways 844,
[Hosur – Royakottai – Dharmapuri Section,
Dharmapuri District.
3. The Special Tahsildar [LA],
National Highways – 844,
[Hosur – Royakottai – Dharmapuri Section,
Dharmapuri District.
4. The Project Director [NH 844],
National Highways Authorities of India,
PIU Krishnagiri, 259/1, Salem Main Road,
Near KAKC Petrol Bunk, Krishnagiri District.



WEB COPY



WP.No.12190 of 2024

N. SATHISH KUMAR, J.

vrc

W.P.No.12190 of 2024

30.04.2024