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W.P.Nos.14850, 14851, 14853,
14855, 14858 & 14860 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

**W.P.Nos.14850, 14851, 14853,
14855, 14858 & 14860 of 2023**

In W.P.No.14850 of 2023

R.Rangarajan

...Petitioner

Vs.

1.The District Collector /Sole Arbitrator

Thiruvallur District

Collectorate Complex

Tiruvallur 602 001.

2.Competent Authority &

Special District Revenue Officer – Land Acquisition

National Highways 205

Thiruvallur.

...Respondents

Prayer in W.P.No.14850 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent authority to act upon the petitioner's claim petition filed under Section 3G (5) of the National Highways Act 1956, dated 19.10.2020 for



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enhancement of compensation and pass orders by granting the petitioner adequate opportunity for hearing as contemplated under the Arbitration and Conciliation Act 1996 by providing copies of the following:

(1) Defence statement of the second respondent and reasonable time to file a reply statement,

(2) Copies of last three years sale statistics in respect of the locality and revenue village in which the petitioner's land is situated, obtained from the Registration Department,

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

(4) and to strictly follow the provisions of Sections 26 to 30 and procedure contemplated in First Schedule of the Central Act 30 of 2013 and grant opportunity to the petitioner for filing further written submissions and thereafter pass final award under Section 3G (5) of the National Highways Act 1956, for determining the compensation for the land measuring 1550 sq.mts., comprised in S.No.85/1A2 and land measuring 1550 sq.mtrs., in S.No.85/2B, situated at Kuppam Village, Thiruthani Taluk, Thiruvallur District on the basis of the land value as it existed on 01.01.2014, within a time to be stipulated by this Court.



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For Petitioners in
all W.P.Nos. : Mr.S.Thanka Sivan

For Respondents : Mr.A.Selvendran for R1 & R2
all W.P.Nos. Special Government Pleader

COMMON ORDER

These Writ Petitions have been filed seeking a direction to the first respondent to consider the petitioners' claim petition filed under Section 3G (5) of the National Highways Act, seeking enhancement of compensation determined by the second respondent in respect of the lands of the petitioners acquired for extension of National Highways.

2. It is not in dispute, the lands of the petitioners were acquired for extension of National Highways and the second respondent passed an award quantifying the compensation payable to the petitioners. Not satisfied with the quantum of compensation fixed by the second respondent, all the petitioners filed a claim petition on 19.10.2020 under Section 3G (5) of the National Highways Act before the first respondent and the same has not been considered. Therefore, the petitioners are before this Court.



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3. The Writ Petitions were opposed mainly by the respondents on the ground that the award was passed as early as 2011 and the claim petition was filed on 19.10.2020 well beyond the period of three years. It is the case of the respondents that though there is no time limit to file a claim petition under the National Highways Act, by virtue of Article 137 of the Limitation Act, time limit shall be taken as three years.

4. The learned counsel for the petitioners by relying on the order passed by this Court in W.A.Nos.308 to 312 of 2016 submitted that the Division Bench of this Court held that Article 137 of the Limitation Act is not applicable to the application filed under Section 3G (5) of the National Highways Act, 1956. Therefore, there may not be impediment for the first respondent to consider the representation.

5. The learned Special Government Pleader appearing for the respondents 1 & 2 would submit that against the order passed by the Division Bench of this Court in W.A.Nos.308 to 312 of 2016, the National Highways Authority of India preferred SLP before the Hon'ble Supreme Court in SLP (Civil) Diary No (s).36319 of 2018.



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6. It is also stated that the Hon'ble Supreme Court has stayed the order passed by the Division Bench of this Court in above mentioned Writ Appeals.

7. The first respondent in his counter affidavit stated that the claim petition filed by the petitioners will be considered and appropriate orders will be passed, in accordance with law, subject to the outcome of judgment to be passed by the Hon'ble Apex Court in SLP (Civil) Diary No(s).36319 of 2018. The relevant averment in the counter affidavit filed before this Court reads as follows:

“10. It is submitted that as per the Hon'ble High Court of Madras and as per the instructions of National Highways Authority of India, appeal petitions will be considered and pass appropriate orders in accordance with law in respect of applications filed by the Writ Petitioners subject to outcome of judgment passed by the Hon'ble Supreme Court of India in SLP (Civil) Diary No (s).36319 of 2018.”



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8. In view of the same, without going into the merits of the claim

made by either parties, this Court is inclined to issue a direction to the first respondent to consider the claim petition filed by the petitioners dated 19.10.2020 and pass final orders, on its own merits, in accordance with law, as expeditiously as possible, preferably within a period of one year from the date of receipt of copy of this order. It is also made clear the final orders to be passed by the first respondent is subject to out come of SLP referred above.

9. With the above directions, these Writ Petitions are disposed of.

No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



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To

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