



WEB COPY



W.P.No.14819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.14819 of 2024

and

W.M.P.No.16052 of 2024

1.P.Ponnurangam
2.P.Balu

...Petitioners

-Vs-

1.The District Collector,
Office of the Collectorate,
Vellore District.

2.The Special District Revenue Officer (L.A)
National Highways,
Banglore – Chennai Express Way,
Vellore – 09.

3.The Project Director,
National Highways Authority of India,
PIU – Banglore – (Express Way),
718, 11th Cross, 20th Main,
Padmanabha Nagar,
Banglore – 560 070.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Mandamus, directing the first respondent to dispose of the petitioner's Arbitration Case in



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A.R.B. Case No.Nil/2020 dated 04.09.2020 under Section 3g(5) of the National Highway Act, 1956 (Act 48 of 1956) providing for Fair Compensation for the petitioner's land comprised in Survey Nos.100/2C, 102/2, 102/3, total extent of 1750 Sq.mts at Jambukulam Village, Walajah Taluk, Vellore District and pass such further orders.

For Petitioners : M/s.R.Saritha
For R1 & R2 : Mr.P.Sathish
Additional Government Pleader
For R3 : Mr.Su.Srinivasan,
Standing Counsel

ORDER

This writ petition is filed for issuance of a Writ of Mandamus, directing the first respondent to dispose of the petitioner's Arbitration Case in A.R.B. Case No.Nil/2020 dated 04.09.2020 under Section 3g(5) of the National Highway Act, 1956 (Act 48 of 1956) providing for Fair Compensation for the petitioners' land comprised in Survey Nos.100/2C, 102/2, 102/3, total extent of 1750 Sq.mts at Jambukulam Village, Walajah Taluk, Vellore District.

2. The case of the petitioners is that the first petitioner is the owner of the Land comprised in Survey Nos. 100/2C, 102/2, 102/3, total extent of



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1750 Sq.mts at Jambukulam Village, Walajah Taluk, Vellore District. The

second respondent herein issued Notice on 09.01.2018 for the acquisition of the above mentioned land for the formation of National High ways Bangalore - Chennai Express Way under Section 3-A(1) of the National Highways Act 1956 (48 of 1956). The second respondent herein acquired his land for the formation of National High ways Bangalore - Chennai Express way under Section 3-A (1) of the National Highways Act 1956 (48 of 1956). After the said acquisition, he claimed the compensation as per the existing market value. However the competent authority herein second respondent passed an order dated 30.06.2018 to determine the compensation only meagre amount. Hence the petitioners had been constrained to approach the District Collector/Arbitrator first respondent herein for awarding fair and reasonable compensation. Pursuant to that, the petitioners filed Arbitration Application under Section 3g(5) of the National Highway Act 1956 (Act 48 of 1956) to the first respondent to pay the compensation as per the New Land Acquisition Act and pay the compensation as per the Provisions of Right to Fair Compensation Act 2015 in Arbitration Application in A.R.B. Case No.Nil/2020 dated 04.09.2020.



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3. Learned counsel for the petitioners submitted that even after receipt of the Application, the same was kept pending from the year 2020 onwards. It is the contention of the learned counsel for the petitioners that their family entirely depends on the cultivation of the aforesaid lands and if the same is deprived, the petitioners and their family will be thrown out in the Street. Aggrieved by the same, the petitioners have approached this Court by way of filing this present writ petition.

4. Mr.P.Sathish, learned Additional Government Pleader takes notice on behalf of respondents 1 and 2.

5. Mr.Su.Srinivasan, learned standing counsel takes notice on behalf of the third respondent.

6. Learned Additional Government Pleader appearing for respondents 1 and 2 submits that the petitioners' Arbitration Case would be considered on merits and in accordance with law by the Authority concerned.

7. Heard both sides and perused the materials available on record.



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8. Taking into consideration the factual aspects of the matter, this Court without going into the merits of the case, directs the first respondent / District Collector, Vellore District, to consider and dispose of the petitioners' Arbitration Case in A.R.B. Case No.Nil/2020 dated 04.09.2020 after giving due notice, opportunity of personal hearing to the petitioner as well as rival claimants/interested parties if any, to take into consideration the documents filed by the parties and pass appropriate orders on merits, in accordance with law by following the above principles of natural justice within a period of three months from the date of receipt of a copy of this order.

In the result, the writ petition stands disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

cda
Index : Yes/No
Speaking/Non Speaking order



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J.SATHYA NARAYANA PRASAD, J.

cda

To

- 1.The District Collector,
Office of the Collectorate,
Vellore District.
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