



WEB COPY



W.P.No.14814 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.14814 of 2024

R.Balaji

...Petitioner

-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 A.R.B. Case No.Nil/2020 dated 11.11.2020 under Section 3g(5) of the



W.P.No.14814 of 2024

National Highway Act, 1956 (Act 48 of 1956) providing for Fair Compensation for the petitioner's land comprised in Survey Nos.169/1B, 169/1C, 170/2B1, 171/2, in a total extent of 4495 Sq.mts situate at Vepperi Village, Nemeli Taluk, Vellore District and pass such further orders.

For Petitioner : 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 11.11.2020 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.169/1B, 169/1C, 170/2B1, 171/2, in a total extent of 4495 Sq.mts. at Vepperi Village, Nemeli Taluk, Vellore District.

2. The case of the petitioner is that he is the owner of the Land comprised in Survey Nos. 169/1B, 169/10, 170/281, 171/2 in an total extent



W.P.No.14814 of 2024

of 4495 Sq.mts situate at Vepperi Village, Nemeli Taluk, Vellore District.

The second respondent herein issued Notice on 07.04.2017 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 was pleased to award only meagre amount. Hence the petitioner has been constrained to approach the District Collector/Arbitrator first respondent herein for awarding fair and reasonable compensation. Pursuant to that, the petitioner 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 11.11.2020.

3. Learned counsel for the petitioner submits that even after receipt



W.P.No.14814 of 2024

of the Application, the same was kept pending from the year 2020 onwards.

It is the contention of the learned counsel for the petitioner that his family entirely depends on the cultivation of the aforesaid lands and if the same is deprived, the petitioner and his family will be thrown out in the Street. Aggrieved by the same, the petitioner has 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 petitioner's 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.



W.P.No.14814 of 2024

WEB COPY

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 petitioner's Arbitration Case in A.R.B. Case No.Nil/2020 dated 11.11.2020 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.

10.06.2024

cda

Index : Yes/No

Speaking/Non Speaking order



WEB COPY



W.P.No.14814 of 2024

J.SATHYA NARAYANA PRASAD, J.

cda

To

- 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.

W.P.No.14814 of 2024

10.06.2024