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W.P.No.24460 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :27.08.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.24460 of 2024

Mallesh

...Petitioner

Vs.

1. The Arbitrator cum District Collector,
Office of the District Collectorate,
Krishnagiri, Krishnagiri District.
2. The Competent Authority Cum DRO,
Land Acquisition, National Highway No. 844,
Krishnagiri, Krishnagiri District.
3. The Special Tahsildar,
National Highway No. 844,
Krishnagiri, Krishnagiri District.
4. The National Highways Authority of India,
Represented by its Project Director (NH 844),
PIU – Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bank,
Krishnagiri.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to pass an arbitration award on the appeal/claim petition dated 21.10.2022 within a stipulated period of time, by appointing competent engineers/officials for



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assessing the value of the land comprised in S.No.373/A1B, S.No.380/2, S.No.384/1B1B and S.No. 384/2B and Trees and land measuring an extent of 65 Sq.Mtrs. in S.No. 373/A1B, 2495 Sq.Mtrs in S.No. 380/2, 1813 Sq.Mtrs. in S.No.384/1B1B and 66 Sq.Mtrs in S.No.384/2B at Sanamavu Village, Shoolagiri Taluk, Krishnagiri District, enhance and pay appropriate compensation to the petitioner by reconsidering the award dated 02.05.2020, by strictly following the procedure contemplated under Section 26 to 30 of the Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and refix the compensation as per the provision of the Central Act 30 of 2013 within the time frame to be fixed by this Court and also following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act 1996.

For Petitioner : Mr.J.Ramesh

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader

For R4 : Mr. S.R.Sumathy
Standing Counsel

ORDER

The petitioner herein seeks a direction to 1st respondent to pass arbitration award on the claim petition made by the petitioner dated 21.10.2022 seeking enhancement of the compensation in respect of the land measuring an extent of 65 Sq.Mtrs in S.No. 373/A1B, 2495 Sq.Mtrs in S.No.



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380/2, 1813 Sq.Mtrs. in S.No.384/1B1B and 66 Sq.Mtrs in S.No.384/2B at Sanamavu Village, Shoolagiri Taluk, Krishnagiri District.

2. It is the case of the petitioner that he is the absolute owner of the land measuring an extent of 10 cents in S.No. 373/A1B, 81 cents in S.No. 380/2, 52 cents in S.No.384/1B1B and 2 cents in S.No.384/2B at Sanamavu Village, Shoolagiri Taluk, Krishnagiri District.

3. The portion of the above said land was acquired by the 2nd respondent for the purpose of laying Hosur-Rayakottai-Dharmapuri four way road. The 2nd respondent passed an award on 02.05.2022 fixing meagre value for the acquired lands. Aggrieved by the same, the petitioner submitted a representation before the 1st and 2nd respondents seeking enhancement of the compensation. The claim petition of the petitioner dated 21.10.2022 was referred to arbitration by 1st respondent and the same is pending without any final award passed by the Arbitrator. Hence, the petitioner is before this Court.



4. Mr.A.Selvendran, learned Special Government Pleader takes notice for the respondents 1 to 3 and Mrs.S.R.Sumathy, learned Standing Counsel takes notice for the 4th respondent.

5.The learned Special Government Pleader, who is taking notice for the respondents 1 to 3, submitted that 1st respondent will pass final award within a time fixed by this Court.

6. The first respondent is expected to complete arbitral proceedings in a time bound manner as per the provisions of Arbitration and Conciliation Act. He is not expected to keep the arbitral proceedings without any progress. In view of the same, this Court, without going into the merits of the claim made by the petitioner, is inclined to direct the 1st respondent to consider the claim petition of the petitioner dated 21.10.2022 and pass final orders on its' own merits within a period of six months from the date of receipt of copy of this order.



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7. With the above directions, this writ petition is disposed of. No costs.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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S.SOUNTHAR, J.

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