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W.P.No.22386 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.22386 of 2024

Krishnamoorthy ... 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,
Rep. by its Project Director (NH 844),
PIU-Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the the 1st respondent to pass an arbitration award on the appeal/claim petition dated 26.09.2022 within a



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stipulated period of time by appointing competent engineers/officials for assessing the value of the land comprised in S.Nos.27/A, 29/2, 366 and 368/3 Well Borewell and Trees and land measuring an extent of 9099 Sq.mtrs in S.No.27/A, 481 Sq.mtrs in S.No.29/2, 1890 Sq.mtrs in S.No.366 and 1916 Sq.mtrs in S.No.368/3 at Sanamavu Village, Shoolagiri Taluk, Krishnagiri District, enhance and pay appropriate compensation to the petitioner by reconsidering the award dated 14.06.2022 Structure (Tiled House) Motor Shed, Water Tank, Pipelines and Wiring and Electrical Fittings, which were left out in the award passed by the 2nd respondent, by strictly following the procedure contemplated under Sections 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.

For Petitioner : Mr.J.Ramesh

For Respondents : Mr.A.Selvendiran (for R1 to R3)
Special Government Pleader
Ms.S.R.Sumathy, SC (for R4)

ORDER

The petitioner herein seeks a direction to the first respondent to pass an arbitration award on the claim petition filed by him dated 26.09.2022, seeking enhancement of the compensation fixed by the 2nd respondent in respect of lands of the petitioner acquired under National Highways Act,



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2. Mr.A.Selvendiran, learned Special Government Pleader takes notice on behalf of respondents 1 to 3 and Ms.S.R.Sumathy, learned Standing Counsel takes notice on behalf of 4th respondent.

3. It is the case of the petitioner that 5 acres and 32 cents of his land situated at Sanamavu Village, Shoolagiri Taluk, Taluk, Krishnagiri District, was acquired for the purpose of laying Four way road – Hosur- Rayakottai – Dharmapuri – under N.H.844 project and the 2nd respondent passed an award on 14.06.2022, fixing a meagre amount as compensation. Aggrieved by the same, the petitioner preferred a claim petition seeking enhancement of the compensation by referring the matter for arbitration. Accordingly, the 1st respondent entered arbitration and till date, no final award has been passed.

4. Under the provisions of the Arbitration Act, the Arbitrator shall pass an award within a period of twelve months from the date of completion of pleadings. The 1st respondent cannot keep the arbitration proceedings



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pending unreasonably for more than one year.

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5. In view of the same, without going into the merits of the claim made by the petitioner regarding fixation of compensation amount, this Court directs the 1st respondent to complete the arbitration proceedings and pass Arbitral Award within a period of six months, from the date of receipt of the copy of this order.

6. With the above direction, the Writ Petition stands disposed of. No Costs.

05.08.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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