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W.P.No.24479 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2024

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

W.P.No.24479 of 2024

Mr.Gunasekar

... 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 first respondent to pass an arbitration award on the petitioner's appeal/claim petition dated



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22.02.2023 within a stipulated period of time, by appointing competent Engineers/ Officials for assessing the value of the lands measuring an extent of 1493 Sq.Mtrs. in S.No.121/5, 750 Sq.Mtrs in S.No.123/1, 150 Sq. Mtrs in S.No.123/2A, 100 Sq.Mtrs in S.No.123/3B, 100 Sq.Mtrs in S.No.125/2B2, 13 Sq.Mtrs. in S.No.121/6, 600 Sq.Mtrs. in S.No.125/2B1, 872 Sq.Mtrs. in S.No.134/2, 1703 Sq.Mtrs. in S.No.134/3, 88 Sq.Mtrs. in S.No.1156/3, 113 Sq.Mtrs in S.No.125/2B3, 300 Sq.Mtrs in S.No.134/1 and 7954 Sq.Mtrs in S.No.134/4 at Uddanapalli Village, Shoolagiri Taluk, Krishnagiri District and Structure (Building) and Trees and pay compensation for one well with 70 feet depth, one Borewell (1200 Feet depth), 28 Coconut Trees, 150 Moringa Trees, 30 Eucalyptus Trees, 3 Tamarind Trees, pipelines, sprinkles, drip irrigation pipes and wiring & electrical fittings which were left out, which were left out in the award passed by the second respondent, 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 also following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act, 1996.

For Petitioner : Mr.J.Ramesh

For Respondents : Mr.A.Selvendran, SGP for R1 to R3
Mr.Su.Srinivasan,
Standing Counsel for R4



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ORDER

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The petitioner herein seeks a direction to the first respondent to pass Arbitration Award on his claim petition dated 22.02.2023, seeking enhancement of compensation in respect of his land situated in Uddanapalli Village, Shoolagiri Taluk, Krishnagiri District which was acquired for the purpose of extension of National Highways.

2. Heard both sides. With the consent of both sides, this Writ Petition is disposed of at the admission stage itself.

3. It is the case of the petitioner that the above mentioned land belonged to him was acquired for extension of Hosur - Rayakottai - Dharmapuri - under N.H.844 project, by notification dated 25.06.2019. On the request made by the petitioner, the matter was referred to Arbitration by the first respondent with the claim petition of the petitioner dated 22.02.2023. Till date, the first respondent has not completed the arbitral proceedings and passed orders. Therefore, the petitioner is before this Court.



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4. The learned Special Government Pleader who is taking notice for the respondents 1 to 3 submitted that the arbitration proceedings would be finished within a time fixed by this Court.

5. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the first respondent to complete the arbitral proceedings within a period of six months.

6. Accordingly, this Writ Petition is disposed of and the first respondent is directed to complete the arbitral proceedings and pass final award, within a period of six months from the date of receipt of a copy of this order. No costs.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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S. SOUNTHAR, J.

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