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W.P.Nos.25704 and 25708 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.Nos.25704 and 25708 of 2024

1.Prabakar

2.Shankarappa

... Petitioners in WP.No.25704/2024

1.Ramesh

2.Chinnaramaiya

... Petitioners in WP.No.25708/2024

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,



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Near KAKC Petrol Bunk,
Krishnagiri.

... Respondents in both WPs

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PRAYER in W.P.No.25704 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pass an arbitration award on the 1st and 2nd petitioners appeals/claim petitions dated 21.10.2022 within a stipulated period of time, by appointing competent engineers/officials for assessing the value of lands measuring an extent of 1171 Sq. Mtrs., in S.No.931/1, 300 Sq. Mtrs., in S.No.931/2, 1640 Sq. Mtrs., in S.No.931/3, 389 Sq. Mtrs., in S.No.931/5, 10 Sq. Mtrs., in S.No.931/6, 402 Sq. Mtrs in S.No.931/7 and 1054 Sq. Mtrs in S.No.931/4 and for father's lands measuring an extent of 50 Sq. Mtrs., in S.No.236/6 and 3375 Sq. Mtrs., in S.No.236/7 at Uddanapalli Village, Shoolagiri Taluk, Krishnagiri District, 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.

PRAYER in W.P.No.25708 of 2024: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to pass an arbitration award on the 1st and 2nd petitioners appeals/claim petitions dated 19.04.2022 within a stipulated period of time, by appointing competent engineers/officials for assessing the value of the 1st petitioner's land measuring an extent of 1079 Sq. Mtrs., in S.No.248/1C and



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for the 2nd petitioner's lands measuring an extent of 173 Sq. Mtrs., in S.No.247/2 and 509 Sq. Mtrs., in S.No.930/9 at Uddanapalli Village, Shoolagiri Taluk, Krishnagiri District, 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 Petitioners	: Mr.J.Ramesh (in both WPs)
For R1 to R3	: Mr.A.M.Ayyadurai Government Advocate (in both WPs)
For R4	: Mr.Su.Srinivasan Standing Counsel (in both WPs)

COMMON ORDER

The petitioners herein seek a direction to 1st respondent to pass arbitration award in their claim petitions dated 21.10.2022 and 19.04.2022 within a stipulated time fixed by this Court.

2. According to the petitioners in W.P.No.25704 of 2024, the 1st petitioner is absolute owner of the lands measuring an extent of 35 cents in



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S.No.931/1, 7.5 cents in S.No.931/2, 41 cents in S.No.931/3, 41 cents in S.No.931/5, 43 cents in S.No.931/6, 1 acre and 43 cents in S.No.931/7 and 48 cents in S.No.931/4 and the 2nd petitioner is absolute owner of the lands measuring an extent of 1.5 cents in S.No.236/6 and 1 acre 57 cents in S.No.236/7 situated at Uddanapalli Village, Shoolagiri Taluk, Krishnagiri District.

3. According to the petitioners in W.P.No.25708 of 2024, the 1st petitioner is absolute owner of the land measuring an extent of 59.28 cents in S.No.248/1C and the 2nd petitioner is absolute owner of the lands measuring an extent of 53.10 cents in S.No.247/2 and 36 cents in S.No.930/3 situated at Uddanapalli Village, Shoolagiri Taluk, Krishnagiri District.

4. The above said lands were acquired by the 2nd respondent for the purpose of laying Four-way Road - Hosur – Rayakottai – Dharmapuri – N.H.844. Aggrieved by the quantum of compensation fixed by the 2nd respondent, the petitioners sought for enhancement of compensation and the matter was referred to arbitration by 1st respondent. Though the claim



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petitions of the petitioners seeking enhancement of compensation dated 21.10.2022 and 19.04.2022 are pending on the file of the 1st respondent. Till date, no order has been passed. Therefore, the petitioners are before this Court.

5. Mr.A.M.Ayyadurai, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.Su.Srinivasan, learned Standing Counsel takes notice for the 4th respondent.

6. The learned Government Advocate appearing for the respondents 1 to 3 would submit that the arbitral proceedings will be completed within the time fixed by this Court.

7. It is the duty of the 1st respondent to complete arbitral proceedings within the time limit prescribed under the Arbitration and Conciliation Act, 1996 and he cannot keep the arbitral proceedings pending for ever without passing final award. Therefore, without going into the merits of the claim made by the petitioners, this Court is inclined to direct the 1st respondent to complete the arbitral proceedings pending on his file in respect of claim



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made by the petitioners and pass final award on its own merit, within a period of six months from the date of receipt of a copy of this order.

8. With the above direction, the Writ Petitions stand disposed of. No costs.

03.09.2024
(2/2)

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



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To

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- 2.The Competent Authority cum DRO,
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S.SOUNTHAR, J.

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