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W.P No.25063 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25063 of 2024

Gurappa

...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 Bunk,
Krishnagiri.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first 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 assessing the value of the land measuring an extent of 2025 Sq. Mtrs. in S.No.1163/6 at Uddanapalli Village, Shoolagiri Taluk, Krishnagiri District and Super Structure-Building and other amenities, 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 re-fix the compensation as per the provision of the Central Act 30 of 2013 within the time frame to be fixed by this Hon'ble Court and also following the procedures contemplated under Section 18 to 27 of the Arbitration and Conciliation Act 1995.

For Petitioner : Mr.J.Ramesh

For Respondents : Mr.P.Sathish, for R1 to R3
Additional Government Pleader

Mr.Su.Srinivasan, for R4
Standing Counsel



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ORDER

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The petitioner herein seeks a direction to the first respondent to pass arbitration award on the appeal/claim petition dated 21.10.2022 seeking enhancement of compensation in respect of the land acquired for extension of National Highways.

2. According to the petitioner, he is the owner of the land with an extent of 1 acre 43 cents in S.No.1163/6, situated at Uddanpalli Village, Shoolagiri Taluk, Krishnagiri District and the same was acquired for laying four-way road-Hosur-Royakottai-Dharmapuri-under National Highways. The Competent Authority, second respondent, determined the quantum of compensation by fixing valuation of the land at Rs.100.92 per sq.mtr. Not satisfied with the quantum of compensation, the petitioner made a claim petition dated 21.10.2022 before the first respondent, Arbitrator. Though the arbitral proceedings have been initiated in the year 2022, the first respondent has not passed any final award till date. Therefore, the petitioner is before this Court.



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3. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents 1 to 3 and Mr.SU.Srinivasan, learned Standing Counsel takes notice for the fourth respondent.

4. Mr.P.Sathish, learned Additional Government Pleader, who takes notice for the respondents 1 to 3 would submit that the first respondent will pass final award, within a time frame fixed by this Court.

5. The first respondent who conducts arbitration proceedings under the provision of Arbitration and Conciliation Act, 1996, has to pass award within a time frame fixed by the said Act and he is not expected to keep the arbitration proceedings pending without any progress.

6. In view of the same, without going into the merits of the claim made by the petitioner, this Court is inclined to issue a direction to the first respondent to consider the claim petition made by the petitioner dated 21.10.2022 and complete the arbitrate proceedings, within a period of six months from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition is disposed of. No costs.

02.09.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna

To

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