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W.P.No.25377 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.09.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25377 of 2024

Ramaiya

..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 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 petitioner's appeal/claim petition dated 22.09.2022



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within a stipulated period of time, by appointing competent engineers/officials for assessing the value of the land measuring an extent of 17 Sq. Mtrs, in S.No. 462/2A and 1718 Sq. Mtrs. in S.No.462/3 at Thayanadurgam Village, Shoolagiri Taluk, Krishnagiri District and for Well, Borewell 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 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.Su.Srinivasan 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 22.09.2022 seeking enhancement of the compensation in respect of the land measuring an extent of 28 cents in S.No. 462/2A and 72 cents in S.No.462/3 at Thayanadurgam Village, Shoolagiri Taluk, Krishnagiri District.



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2. It is the case of the petitioner that he is the absolute owner of the land measuring an extent of 28 cents in S.No. 462/2A and 72 cents in S.No.462/3 at Thayanadurgam Village, Shoolagiri Taluk, Krishnagiri District.

3. 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 26.08.2020 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 22.09.2022 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 Mr.Su.Srinivasan, learned Standing Counsel takes notice for the 4th respondent.



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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 22.09.2022 and pass final orders on its' own merits within a period of six months from the date of receipt of copy of this order.

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

04.09.2024
(2/3)

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

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To

- 1.The Arbitrator cum District Collector,
Office of the District Collectorate,
Krishnagiri, Krishnagiri District.
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S.SOUNTHAR, J.

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