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W.P.No.27966 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.27966 of 2024

Subiramani

... 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 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 petitioner's appeal/claim petition dated 20.02.2023 within a stipulated period of time, by appointing competent engineers/officials for assessing the value of land measuring an extent of 2621 Sq. Mtrs. in S.No.150/2B and 315 Sq.Mtrs. S.No.109/1 at Uddanapalli Village, Shoolagiri Taluk, Krishnagiri District and Trees and Structure-Cement Sheet House, Cow Shed and Bathroom which were left out in the award passed by the 2nd 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.P.Sathish for R1 to R3
Additional Government Pleader
: Mr.Su.Srinivasan for R4
Standing Counsel (NHAI)

ORDER

The petitioner herein seeks a direction to 1st respondent to pass arbitration award in his claim petition dated 20.02.2023 within a stipulated time fixed by this Court.



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2. According to the petitioner, he is absolute owner of the lands measuring an extent of 3 Acres 21 cents in S.No.105/2B and 10 cents in S.No.109/1 situated at Uddanapalli Village, Shoolagiri Taluk, Krishnagiri District.

3. A portion of 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 petitioner sought for enhancement of compensation and the matter was referred to arbitration by 1st respondent. Though the claim petition of the petitioner seeking enhancement of compensation dated 20.02.2023 is pending on the file of the 1st respondent, till date, no order has been passed. Therefore, the petitioner is before this Court.

4. 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 4th respondent.



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

6. 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 petitioner, this Court is inclined to direct the 1st respondent to complete the arbitral proceedings pending on his file in respect of claim made by the petitioner 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.



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7. With the above direction, the Writ Petition stands disposed

of. No costs.

26.09.2024
(6/6)

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

To

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S.SOUNTHAR, J.

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