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W.P.No.28637 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

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THE HONOURABLE MR. JUSTICE S. SOUNTAR

W.P No.28637 of 2024
and
WMP.No.31232 of 2024

C.Lakshmidevi

...Petitioner

Vs.

1. The Arbitrator cum District Collector,
Collectorate Office,
Krishnagiri District.
2. Competent Authority &
Special District Revenue Officer - Land Acquisition,
National highways - 948A, STRR
Thenkanikotai Road,
Arul Vajaram Complex Dinnur, Hosur,
Krishnagiri District.
3. The Project Director (NH 948)
National Highways Authority of India,
PIU-Bangaluru
Sy.No.13,14th km Nagasandra Tumkur NH4 Road,
Bangaluru -560 073.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to act upon the petitioner's father claim petition dated 31.12.2023 and 13.07.2024 and to



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reconsider the Award dated 02.03.2023 and 20.08.2023 and to direct the first respondent to appoint the competent engineer to revalue the compound wall comprised in land measuring land measuring 175sq.mtrs, in S.No.778/1A2, land measuring 1250 sq.mtrs, in S.No.778/1C2 in Moranapalli village, Hosur Taluk, Krihnagiri District as per 29 of the above said (RFCTLARR Act 2013) and by consider petitioner's future loss of income and to enhance the compensation in respect of land and structures comprised in the above said survey No's. by following the procedure contemplated under the section 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and to follow Section 18 to 27 of the Arbitration and Conciliation Act 1996.

For Petitioner : Mr.R.Rameshraja
For R1 & R2 : Mr.P.Sathish
Additional Government Pleader
For R3 : Mrs.S.R.Sumathi
Standing Counsel

ORDER

The petitioner herein seeks a direction to 1st respondent to pass arbitration award in his claim petition dated 30.12.2023 and 13.07.2024 within a stipulated time fixed by this Court.



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2. According to the petitioner, the property situated at Moranapalli Hosur Taluk, Krishnagiri District measuring an extent of 175sq.mtrs in S.No.778/1A2 and 1250 sq.mtrs in S.No.778/1C2 were acquired by the second respondent for the purpose of laying national highways 948A (Satellite Town Ring Road for Bangalore (west) extending to Hosur) under N.H.844 project. The competent authority /second respondent fixed the quantum of compensation and passed an award on 02.03.2023. However in he said award second respondent failed value the compound wall found in the acquired lands. Hence, he passed supplementary award on 13.07.2024 fixing compensation for compound wall. The petitioner not satisfied with the quantum of compensation fixed under two awards, filed two claim petitions dated 30.12.2023 and 13.07.2024, seeking enhancement of compensation and the same has been referred to arbitration before the first respondent. Though the claim petitions were filed on 30.12.2023 and 13.07.2024, no final order has been passed by the first respondent. Hence the petitioner is before this court.

3. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents 1 & 2 and Mrs.S.R.Sumathy, learned Standing Counsel takes notice for the third respondent.



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4. The learned Additional Government Pleader appearing for the respondents 1 & 2 submitted that the claim petition will be considered on merits within the time fixed by this Court.

5. The first respondent is expected to adhere to the time schedule mentioned in Arbitration and Conciliation Act and he is not expected to keep arbitral proceedings pending without any progress.

6. In view of the same, this Court is inclined to issue a direction to the first respondent to consider the petitioner's claim petitions dated 30.12.2023 and 13.07.2024 and pass final orders, within a period of six months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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S. SOUNTHAR, J.

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