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WP.No.34422 of 2024

In the High Court of Judicature at Madras

Dated : 19.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34422 of 2024

Mr.Periyasami

Vs

...Petitioner

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

2.The Competent Authority-cum-
District Revenue Officer, 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

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to pass an arbitration award on the petitioner's appeal/claim petition dated 20.6.2022 within a stipulated period of time by appointing



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competent engineers/officials for assessing the value of the lands measuring an extent of 282 sq.meters in S.No.97/3B1B, 157 sq.meters in S.No.97/3B1C, 50 sq.meters in S.No.97/3B2 and bore well in S.No.97/3B3B at Karukkanahalli Village, Denkanikottai Taluk, Krishnagiri District and well, by strictly following the procedure contemplated under Sections 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 procedure contemplated under Sections 18 to 27 of the Arbitration and Conciliation Act, 1996.

For Petitioner	:	Mr.J.Ramesh
For R1 to R3	:	Mr.A.Selvendran, SGP
For R4	:	Ms.S.R.Sumathy, Standing Counsel

ORDER

The petitioner seeks a Mandamus to the first respondent to pass an arbitral award on the petitioner's claim petition dated 20.6.2022 within a stipulated time.

2. The petitioner would submit that he is the absolute owner of an extent of 2 acres and 47 cents in S.No.97/3B2 and 43 cents in S.No.97/3B1 at Karukkanahalli Village, Denkanikottai Taluk, Krishnagiri District. The petitioner has also been issued with patta Nos.2126 and 2523 in respect of the said lands. Out of the said lands,



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the lands measuring an extent of 282 sq.meters in S.No.97/3B1B, 157 sq.meters in S.No.97/3B1C, 50 sq.meters in S.No.97/3B2 and bore well in S.No.97/3B3B at Karukkanahalli Village, Denkanikottai Taluk, Krishnagiri District were acquired by the second respondent in the year 2018 for laying the Four Way Road - Hosur - Rayakottai - Dharmapuri under N.H.844 Project under the National Highways Act, 1956.

3. The petitioner's contention is that the acquired lands are situated in a prime residential and commercial area and would have fetched a market value of not less than Rs.6,000/- per sq.ft, as this was the market value much prior to the acquisition proceedings. Further, the second respondent passed an award fixing a very meagre value for the lands in question. Therefore, as per the provisions of Section 3G(5) of the National Highways Act, 1956, the petitioner lodged the claim petition before the first respondent on 20.6.2022. However, the said claim petition has not even come up for inquiry. Therefore the writ petition.

4. Heard the learned counsel for the petitioner, the learned Special Government Pleader accepting notice for respondents 1 to 3 and the learned Standing Counsel accepting notice for the fourth respondent.



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5. The facts narrated above would show that the subject properties of the petitioner have been acquired by the respondents and the market value for the subject properties as well as the nearby lands is more than Rs.6,000/- per sq.ft even prior to the acquisition proceedings. The award passed by the second respondent has been put to challenge by filing a claim petition before the first respondent, who is the constituted Arbitrator under the provisions of the said Act. Though the claim petition has been filed on 20.6.2022, the first respondent has not even commenced the inquiry.

6. In such circumstances, the writ petition is allowed and a Mandamus is issued to the first respondent to dispose of the claim petition filed by the petitioner dated 20.6.2022 within a period of two months from the date of receipt of a copy of this order. No costs.

19.11.2024

To

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No.844, Krishnagiri,
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