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W.P. No. 32968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2024

CORAM

THE HON'BLE Ms. JUSTICE P.T.ASHA

W.P. No. 32968 of 2024

and

W.M.P. No. 35769 of 2024

Kittappa @ Krishnappa

... 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

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying 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



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for assessing the value of the well and land measuring an extent of 1102 square meters in Survey No.34/3A at Sanamavu Village, Shoolagiri Taluk, Krishnagiri District enhance and pay appropriate compensation to me by reconsidering the award dated 23.05.2022, 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 refix the compensation as per the provision of the Central Act 30 2013 within the time frame to be fixed by this Court 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.A.Selvendran, SGP (RR 1 to 3)
Mr.Su.Srinivasan (R4)

ORDER

This writ petition has been filed for a direction to the first 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 the well and land measuring an extent of 1102 square meters in Survey No.34/3A, Sanamavu Village, Shoolagiri Taluk, Krishnagiri District enhance and pay appropriate compensation to me by reconsidering the award dated 23.05.2022, by strictly



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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 refix the compensation as per the provision of the Central Act 30 of 2013 within the time frame to be fixed by this Court and also following the procedures contemplated under Sections 18 to 27 of the Arbitration and Conciliation Act, 1996.

2. The grievance of the petitioner is that he has filed a claim petition before the first respondent on 20.02.2023 invoking the provisions of Section 3G(5) of the National Highways Act claiming an enhanced compensation for the Well in the property, which has been acquired. Though nearly 1 year and 10 months have passed since the filing of the claim petition, the same has not been processed till date.

3. Considering the above fact, a mandamus is issued to the first respondent to conclude the enquiry affording a personal hearing to the petitioner and pass orders within a period of two months from the date of receipt of a copy of this order.



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4. With the above direction, this writ petition stands disposed.

Consequently, connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

NCC: Yes/No

Maya

To

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P.T.ASHA, J.

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