



W.P.No.31257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.31257 of 2024

Madesh

...Petitioner

Vs.

- 1.The Arbitrator cum-District Collector
Collectorate Office
Krishnagiri District.
- 2.Competent Authority &
Special District Revenue Officer (Land Acquisition)
National Highways 7, 46,47, 66 & 844
Krishnagiri District.
- 3.The Project Director (NH 844)
National Highways Authority of India
PIU – Krishnagiri
259/1, Salem Main Road
Near KAKC Petrol Bunk
Krishnagiri District.

...Respondents



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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 claim petition dated 20.06.2024 and to reconsider the award dated 14.06.2022 and proper enquiry and pay the compensation for structures available in acquired land measuring 2106 sq.mts., comprised in S.No.207/1A1B, in Odaiyandahalli Village, Denkanikottai Taluk, Krishnagiri District and to declare acquired land as a commercial/residential type of class and to fixation of value on considering the petitioner's lease deed dated 20.06.2018 with Nayara Energy Ltd and direct the pay future loss of income and to enhance the compensation awarded for the above acquired lands along with structures situated in the above said S.No by following the procedure contemplated under Sections 26 to 30 Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and follow the Sections 18 to 27 of the Arbitration & Conciliation Act 1996.

For Petitioner : Mr.R.Rameshraj

For Respondents : Mr.P.Sathish for R1 & R2
Additional Government Pleader

: Mr.Su.Srinivasan for R3
Standing Counsel



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ORDER

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The petitioner herein seeks a direction to the first respondent to dispose of his application dated 20.06.2024 seeking enhancement of compensation under Section 3 (G) (5) of the National Highways Act, in respect of the land acquired from the petitioner situated in S.No.207/1A1B at Odaiyandahalli Village, Denkanikottai Taluk, Krishnagiri District.

2. It is the case of the petitioner that the above mentioned land was acquired from the petitioner by the respondents and the second respondent fixed compensation by passing award. Thereafter, the petitioner submitted instant application seeking enhancement of compensation before the first respondent on 20.06.2024 and the same has been pending with the first respondent without any progress. Therefore, the petitioner has come by way of this Writ Petition.

3. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents 1 & 2 and Mr.Su.Srinivasan, 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 would submit that the arbitral proceedings will be completed within the time fixed by this Court.

5. It is the duty of the first respondent to complete the 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 first 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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

19.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
dna



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S.SOUNTHAR, J.
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