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WP.No.38177 of 2024

In the High Court of Judicature at Madras

Dated : 21.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.38177 of 2024

P.Murugan

...Petitioner

Vs

- 1.The Arbitrator-cum-District
Collector, Collectorate Office
Krishnagiri District.
- 2.The Competent Authority/
Special District Revenue Officer
– Land Acquisition, National
Highways – 844, (Hosur – Royakottai
– Dharmapuri Section),
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

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to pass an arbitration award on the petitioner's claim petition, dated 27.6.2023 within a stipulated period of time and to reconsider the awards dated 28.4.2023 and pay the deducted amount of the



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development charges 33.33% of the land value in the award and enhance the compensation in respect of the land and structures in land measuring 1,696 sq.mtrs. comprised in S.No.477/2A2B Thorapalli Agraharam Village, Hosur Taluk, Krishnagiri District by 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 Sections 18 to 17 of the Arbitration and Conciliation Act 1996.

For Petitioner	:	Mr.R.Rameshraj
For R1 & R2	:	Mr.P.Sathish, AGP for R1 & R2
For R3	:	Mr.Su.Srinivasan, Standing Counsel

ORDER

Seeking a direction to the first respondent to consider the claim petition dated 27.6.2023 and to pass an arbitration award by reconsidering the award dated 28.4.2023 passed by the second respondent, pay 33.33% of the deducted amount towards development charges and enhance the compensation in respect of the land and structures measuring 1,696 sq.mtrs. comprised in S.No. 477/2A2B, Thorapalli Agraharam Village, Hosur Taluk, Krishnagiri District by following the procedure contemplated under Sections 26 to



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30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and Sections 18 to 17 of the Arbitration and Conciliation Act 1996, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, the learned Additional Government Pleader accepting notice for respondents 1 and 2 and the learned Standing Counsel accepting notice for the third respondent.

3. The facts leading to filing of the writ petition are stated as herein below :

(i) The petitioner is the owner of the said property. He purchased the said property vide sale deed dated 28.6.2017 registered as doc.No.2902 of 2017. He has been carrying on agricultural activities in the said property to eke his livelihood. Ever since the date of purchase, he has been in possession and enjoyment of the said property. Pursuant to the Notification issued in the year 2019 under Section 3A(1) of the National Highways Act, 1956 for the purpose of laying national highways 948A to acquire a large extent of lands including the said property, the petitioner sent his objections.



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However, without considering the objections of the petitioner, the second respondent passed the award dated 28.4.2023 after deducting 33.33% of the land value towards development charges. As the petitioner felt that the compensation awarded was meagre, he sent a claim petition to the first respondent on 27.6.2023 seeking to enhance the compensation and not to deduct 33.33% of the land value towards development charges. However, the same has not yet been considered. Hence the writ petition.

4. On perusing the materials filed along with the affidavit filed in support of the writ petition, this Court is of the considered opinion that though the claim petition has been filed by the petitioner as early as 27.6.2023, the first respondent, who is the Statutory Authority to consider the said claim petition, has not even commenced the inquiry.

5. In the light of the above, the writ petition is allowed and a Mandamus is issued to the first respondent to consider the claim petitioner of the petitioner dated 27.6.2023 and pass appropriate orders within a period of two months from the date of receipt of a copy of this order. No costs.

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P.T.ASHA,J

RS

Index : Yes (or) No
Neutral Citation : Yes (or) No

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