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WP.No.38062 of 2024

In the High Court of Judicature at Madras

Dated : 19.12.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.38062 of 2024

Andiappa

Vs

...Petitioner

- 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-560073.

...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 award dated 24.4.2023 and pay the deducted amount of the development charges 33.33% of land value in the award and enhance



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the compensation in respect of land and structures in land measuring 2,522 Sq.mtrs comprised in S.No.382/2B 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 27 of the Arbitration and Conciliation Act 1996.

For Petitioner	:	Mr.R.Rameshraj
For R1 & R2	:	Mr.A.Selvendran, SGP
For R3	:	Ms.S.R.Sumathy, Standing Counsel

ORDER

Seeking a direction to the first respondent to pass an arbitral award on the petitioner's claim petition dated 27.6.2023, the petitioner is before this Court.

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

3. The case of the petitioner is as follows :

(i) The petitioner is the absolute owner of the land measuring



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2,522 sq.meters in S.No.382/2B, Thorapalli Agraharam Village, Hosur Taluk, Krishnagiri District, in which, he is carrying on agricultural activities. During 2019, the said property was acquired by the third respondent for the purpose of laying National Highways 948A (satellite town ring road for Bangalore (West) extending to Hosur). The necessary notification under Section 3A(1) of the National Highways Act also came to be issued.

(ii) Pursuant to that, the petitioner gave his objections. But, without considering his objections, the second respondent passed an award dated 24.4.2023 classifying the subject land as dry land and calculating the land value at Rs.629.98 Ps per sq.meter. The second respondent also deducted 33.33% of the land value towards development charges. As the petitioner felt that the compensation fixed by the second respondent is very low, he filed a claim petition dated 27.6.2023 under Section 3G(5) of the said Act to the first respondent seeking to enhance the compensation. However, till date, no inquiry was conducted nor orders were passed by the first respondent. Hence the writ petition.

4. In the considered view of this Court, though the claim petition has been filed before the first respondent on 27.6.2023, it has been kept pending for nearly 1 1/2 years without passing any orders on the



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same.

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5. Considering the facts and circumstances of the case, the writ petition is allowed and the first respondent is directed to consider the claim petition dated 27.6.2023 filed by the petitioner and pass an award within a period of three months from the date of receipt of a copy of this order. No costs.

19.12.2024

To

- 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-560073.

RS



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