



W.P.(MD) No.16882 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.16882 of 2024

and

W.M.P.(MD) No.14543 of 2024

1.Lurdhu Salomi

2.Mary Margret Nirmala

3.Ponbasmary

4.Floramary

5.Paul Sebastian

.. Petitioners

Vs.

1.The Arbitrator/the District Collector,
Trichirappalli,
Trichirappalli District.

2.The Authorized Officer/the Special
District Revenue Officer,
Land Acquisition, National Highways 227,
Collectorate Campus, Trichirappalli,
Now office at: the Pudukkottai Collectorate Campus,
Pudukkottai and District.

3.The Project Director,
National Highways 227,
No.6, 1st Floor, VGP Nagar West,
Vazhutharetti, Villuppuram-605 401.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file 1st respondent pertaining to his order bearing Me.Mu.No.C4/84/2021 dated 17.11.2021 and quash the same and consequently direct the 1st respondent to arbitrate upon the petitioners' claim petition dated 25.10.2021 filed U/s.3-G(5), (6) and (7) of the National Highways Act r/w. the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 for enhancement of compensation within a time frame that may be stipulated by this Court.

For Petitioners	:	Mr.S.C.Herold Singh
For RR1 & 2	:	Mr.P.Thambidurai Government Advocate
For R3	:	Mr.Su.Srinivasan

ORDER

Aggrieved by the rejection of their claim petition filed invoking the provisions of the Arbitration and Conciliation Act, as incorporated in Section 3G of the National Highways Act, the petitioners are before this Court.



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2. It is the case of the petitioners that an extent of 1500 sq. mt of wet land in S.No.79/4 (79/4A) in Thirumangalam Village, Lalgudi Taluk, Trichy District, had been acquired for forming the National Highway 227 Trichy – Chidambaram. Notification under Section 3(a) of the National Highways Act, 1956 (hereinafter referred to as “the Act”) had been issued on 14.02.2011 and after the related procedures, the lands have been acquired besides other lands on 23.02.2018.

3. It is the case of the petitioners that the properties originally belonged to their mother, who is no more and the petitioners herein are his legal representatives (daughters and son). They are in enjoyment of the property. The petitioners would submit that they had requested the respondents to pay compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, but the said request has been glossed over and a very meagre compensation has been granted. Therefore, in compliance with the provisions of the Act, the petitioners had lodged a claim petition before



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the first respondent in keeping with the provisions of Section 3-G(5) of the Act. The claim petition had been filed on 25.10.2021 and it has been rejected by the first respondent stating that the same was filed beyond the period of three years from the date of the lands being acquired. The petitioners would submit that the time for filing the claim petition had fallen due on 22.02.2021. However, the claim petition had been filed on 25.10.2021. The petitioners would submit that the last date for filing the claim petition had fallen due during the COVID-19 pandemic. The Hon'ble Supreme Court excluded the period from 15.03.2020 to 28.02.2022 while calculating the period of limitation. Therefore, the filing of the claim petition is very much within the period of limitation and the order therefore, passed by the first respondent is erroneous.

4. From the above narration, it is evident that the last date for filing the claim petition had fallen due between the period 15.03.2020 and 28.02.2022. It is this period, which has been excluded by the Hon'ble Supreme Court by its order having application all over the country.



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Therefore, the rejection order passed by the first respondent appears to be misplaced.

5. In the result, this writ petition is allowed, the impugned order bearing Me.Mu.No.C4/84/2021, dated 17.11.2021 is set aside and the matter is remitted back to the first respondent for considering the case of the petitioners afresh in the manner known to law. The first respondent shall pass orders within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No

05.08.2024

Index : Yes/No

Internet : Yes

abr

To

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2.The Authorized Officer/the Special District Revenue Officer,
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P.T.ASHA, J.

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