



W.P(MD)No.5696 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD)No.5696 of 2023

1.S.K.Rajasekaran

2.K.Boomi

...Petitioners

Vs.

1.The District Collector,
Office of the District Collectorate,
Sivagangai District.

2.The Special District Revenue Officer,
(Land Acquisition) / Competent Authority,
National Highways-49,
Collector Office Complex,
Ramanathapuram.

3.The Project Director,
National Highways Authority of India
Project Implementation Unit,
No.1, Second Floor,
Subramaniapuram 3rd Street,
Karaikudi, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, to forthwith refer the



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petition to the appropriate authority for enhancement of compensation as per Section 64 and re-determine and enhance the compensation granted to the petitioners in respect of lands of an extent of 1800 Square Meters in Survey No.7/3B, 8/1A2, 8/1B1 part in Nelmudikarai Village, Thirupuvanam Taluk and Sivagangai District in accordance with the first schedule to RFCTLARR Act 2013 and in terms of the Central Government guidelines dated 28.12.2017.

For Petitioners : M/s.AL.Gandhimathi, Senior Counsel
for Mr.C.Mahadevan

For Respondents : Mrs.S.Jeya Priya
Government Advocate for R1 & R2

Mr.P.Karthick for R3

ORDER

The Writ Petition is filed seeking a direction to the respondents to refer the request of the petitioners for enhancement of compensation under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Heard the arguments of M/s.AL.Gandhimathi, learned Senior Counsel appearing for the petitioners, Mrs.S.Jeya Priya, learned Government Advocate appearing for the respondents 1 and 2 and Mr.P.Karthick, learned counsel appearing for the third respondent.



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3. It is not in dispute that the land owned by the petitioners in Survey Nos.7/3B, 8/1A2 and 8/1B1 in Nelmudikarai Village, Thirupuvanam Taluk, Sivagangai District was acquired for the purpose of four laning of Madurai to Paramakudi section of NH-49. The competent authority fixed the quantum of compensation at Rs.1,292/- per sq.mt. Aggrieved by the same, writ petition was filed by the petitioners in W.P. (MD)No.24052 of 2018. The said writ petition was allowed by directing the competent authority to re-determine the compensation in accordance with the first schedule of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Subsequently, award was passed on 25.11.2021 fixing the compensation at Rs.215/- per sq.mt. Not satisfied with the same, the first petitioner filed an application before the first respondent on 13.01.2022 seeking enhancement of compensation. Subsequently, remainder was also sent on 27.03.2022. Till date, the said application submitted by the first petitioner has not been considered. The petitioners also filed an application before the first respondent under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 seeking reference. Since the said application



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has not been considered, the instant writ petition is filed with the above mentioned prayer.

4. The land of the petitioners has been acquired under the National Highways Act. If the land owner is not satisfied with the quantum of compensation, then as per Section 3G(5) of the National Highways Act, it is for him to file an application before the Arbitrator appointed by the Central Government. Even as per the case of the petitioners that the first petitioner filed an application before the first respondent, who is appointed as an Arbitrator, on 13.01.2022 seeking enhancement of compensation.

5. The learned Government Advocate appearing for the respondents 1 and 2, on instructions, would submit that arbitration enquiry is pending on the file of the first respondent.

6. In such circumstances, without expressing any opinion on the merits of the matter, the first respondent is directed to complete the arbitration proceedings and pass final award on its own merits within a



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period of six (6) weeks from the date of receipt of a copy of this order.

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7. With the above direction, this Writ Petition stands disposed of.

No costs.

16.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

- 1.The District Collector,
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Sivagangai District.
- 2.The Special District Revenue Officer,
(Land Acquisition) / Competent Authority,
National Highways-49,
Collector Office Complex,
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S.SOUNTHAR, J.

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Order made in
W.P.(MD)No.5696 of 2023

Dated : 16.07.2025