

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

TUESDAY, THE 26TH DAY OF MAY 2015/5TH JYAISHTA, 1937

WP(C).No. 4092 of 2010 (J)

PETITIONER(S):

RAJESH.E.K., S/O.KUNJAMAN,
ELUVUNGAL HOUSE, ELINJIPRA, KODASSERY VILLAGE
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADVS.SRI.MATHEWS K.PHILIP
SMT.T.MANASY

RESPONDENT(S):

1. THE DISTRICT COLLECTOR &
ARBITRATOR, THRISSUR.
2. SPECIAL DEPUTY COLLECTOR S.L.A.O &
COMPETENT AUTHORITY, N.H.D.P., THRISSUR-20.

R,R1 BY SR. GOVERNMENT PLEADER SRI.THOMAS JOHN AMBOOKEN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
26-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN W.P.(C) NO.4092 OF 2010

PETITIONER'S EXTS:

- EXT.P1 TRUE COPY OF THE AWARD NOTICE IN LAC.250/06
- EXT.P2 TRUE COPY OF THE STATEMENT FILED BY THE PETITIONER.
- EXT.P3 TRUE COPY OF THE AWARD NO.79/2009 DT. 20/11/09.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.4092 of 2010

Dated this the 26th day of May, 2015

J U D G M E N T

Ext.P3 Award passed by the Arbitrator under the National Highways Act, 1956 is impugned. The remedy of the petitioner is to challenge the Award under the provisions of the Arbitration and Conciliation Act, 1996. The issue is covered by the decision of this Court in Varghese.A.P. And another v. Union of India and others [ILR 2015 (1) KERALA 112].

2. The petitioner has been prosecuting this writ petition for long under the bona fide belief. Therefore the remedy under Section 14 of the Limitation Act if any available can be urged in the proceedings to be initiated. Such a rider is made even in the judgment in Varghese.A.P.'s case afore quoted.

The writ Petition is disposed of.

Sd/-
V.CHITAMBARESH,
Judge.

nj.