

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

THURSDAY, THE 28TH DAY OF MAY 2015/7TH JYAISHTA, 1937

WP(C).No. 5228 of 2014 (C)

PETITIONER:

**THANKAMMA XAVIER, AGED 69 YEARS
W/O. XAVIER JOSEPH, VAIKKATHUSERY HOUSE, KOTHAVARA
VAIKOM, KOTTAYAM DISTRICT
REPRESENTED BY HER POWER OF ATTORNEY HOLDER THRESSIAMMA
JOSEPH, AGED 67 YEARS
W/O. DR. JOSE CHALISSERY, CHALISSERY HOUSE
HILL GARDENS, KUTTANELLUR, THRISSUR DISTRICT.**

**BY ADVS.SRI.M.B.PRAJITH
SRI.AJIT THOMAS**

RESPONDENTS:

- 1. THE SPEICAL DEPUTY COLLECTOR,
S.L.A. O. & COMPETENT AUTHORITY, (LA), N.H.D.P.
THRISSUR DISTRICT. PIN-680003.**
- 2. ARBITRATOR (NATIONAL HIGHWAYS ACT 1956) & DISTRICT COLLECTOR,
THRISSUR DISTRICT
PIN CODE - 680003.**

*** ADDL. R3 IMPEADED**

- 3. DIRECTOR
NATIONAL HIGHWAY AUTHORITY OF INDIA
CHANDRA NAGAR
PALAKKAD - 678 101**

*** ADDL. R3 IS IMPEADED AS PER ORDER DATED 01/04/2014 IN IA 4318/2014.**

**R1 & R2 BY SR. GOVERNMENT PLEADER SRI. THOMAS JOHN AMBOOKEN
R3 BY ADV.SRI.THOMAS ANTONY**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
28-05-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

DCS

WP(C).No. 5228 of 2014 (C)

APPENDIX

PETITIONER(S)' EXHIBITS

- P1. A TRUE COPY OF THE ORDER OF APPORTIONMENT OF COMPENSATION.**
- P2. A TRUE COPY OF THE ARBITRATION AWARD DATED 1-6-2013.**
- P3. A TRUE COPY OF THE PAYMENT ORDER DATED 22-10-2013 OF THE 2ND RESPONDENT.**

RESPONDENT(S)' EXHIBITS:-NIL

/TRUE COPY/

P.A.TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 5228 OF 2014

Dated this the 28th day of May, 2015

JUDGMENT

The award of the Arbitrator under the National Highways Act, 1956 is impugned. The remedy is to invoke the Arbitration and Conciliation Act, 1996 (see:- **Varghese A.P. and Another v. Union of India and Others [ILR 2015 (1) Kerala 112]**). The petitioner can also avail the benefit of Section 14 of the Limitation Act if the same is permissible.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS