

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

WEDNESDAY, THE 1ST DAY OF JULY 2015/10TH ASHADHA, 1937

WP(C).No. 19537 of 2015 (N)

PETITIONER(S):

SUNNY V.I., AGED 54 YEARS
BUSINESS, S/O.VATTAKUZH Y ITTIERA, PUDUKAD
NENMANIKARA VILLAGE, THRISSUR - 686 301.

BY ADV. SRI.G.SREEKUMAR (CHELUR)

RESPONDENT(S):

1. THE DISTRICT COLLECTOR,
ARBITRATOR, COLLECTORATE, AYYANTHOLE
THRISSUR - 680 001.
2. THE DEPUTY COLLECTOR,
SPECIAL LAND ACQUISITION OFFICER, C A L A, N H D P
THRISSUR 680 001.
3. THE PROJECT DIRECTOR
NATIONAL HIGHWAY AUTHORITY OF INDIA
PALAKKAD 678 001.

R BY GOVERNMENT PLEADER SRI.GIKKU JACOB.

R BY SRI.THOMAS ANTONY, SC FOR NATIONAL HIGHWAY AUTHORITY OF
INDIA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
01-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C).No. 19537 of 2015 (N)

APPENDIX

PETITIONER(S)' EXHIBITS

P1: A TRUE COPY OF THE AWARD PASSED BY THE FIRST RESPONDENT DATED
3/10/2008.

RESPONDENT(S)' EXHIBITS : NIL.

//TRUE COPY//

P.S. TO JUDGE.

V.CHITAMBARESH, J.

W.P (C) No.19537 of 2015

Dated this the 1st day of July, 2015

J U D G M E N T

The Arbitrator appointed under the National Highways Act, 1956 had passed Ext.P1 Award as early as on 3.10.2008. The petitioner did move the District Court under Section 34 of the Arbitration and Conciliation Act, 1996 as held in Varghese.A.P. and another v. Union of India and others [ILR 2015 (1) Kerala 112]. The motion was admittedly made well out of time and the same was rightly rejected by the District Court.

2. No document is produced evidencing the proceedings before the District Court under the Arbitration and Conciliation Act, 1996. More than 7 years have elapsed since Ext.P1 Award was passed which is impugned in this writ Petition. The petitioner having failed to agitate the alleged inadequacy of compensation at the appropriate time cannot belatedly file a writ petition of this nature.

The writ Petition is dismissed.

Sd/-
V.CHITAMBARESH,
Judge.

nj.