

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2015

CORAM:

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P.Nos.284 to 290 of 2015
and
M.P.Nos.1 to 1 of 2015

National Highways Authority of India
Rep.by its Project Director
Mr.T.Suresh Kumar
"Sri Tower"3rd floor
DP-34 (SP), Industrial Estate,
Guindy, Chennai - 600 032. ... Petitioner in all WPS

Vs.

1. The Arbitrator & District Collector,
Tiruvallur,
Tiruvallur District. ...1st Respondent in all WPS

2.M.K.Jaganathan ...2nd Respondent in WP.284/15
Sabeena Baskaran ...2nd Respondent in WP.285/15
M.P.Vasudevan ...2nd Respondent in WP.286/15
S.Jayabalan ...2nd Respondent in WP.287/15
B.Sailaja ...2nd Respondent in WP.288/15
J.Malini ...2nd Respondent in WP.289/15
S.Baskaran ...2nd Respondent in WP.290/15

Prayer in WP.284 of 2015 and WP.287/15, WP.288/15, WP.289/15 & WP.290/15 : Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the first respondent, culminating in the order Ref.No.Rc.No.15125/2012/Arbitration dated 10.09.2014, quash the same and batch.

Prayer in WP.285/15: Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the 1st respondent culminating in the order Ref.No.Rc.No.15125 / 2012 / Arbitration dated 23.09.2014 quash the same.

Prayer in Wp.286/15:Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records of the 1st respondent culminating in

the order Ref.No. Rc.No. 15125 / 2012 / Arbitration dated 23.09.2014 (received by the petitioner on 30.10.2014) quash the same.

For Petitioner in Wps :Mr.B.Harikrishnan
For RR1 in Wps. :Mr.R.Rajeswaran
Special Government Pleader

For RR2 in WP.Nos.285&286/2015 : Mrs.A.L.Ganthimathi

For RR2 in WP.Nos.287 to 290/2015 : Mr.M.Rajasekar

C O M M O N O R D E R

With the consent of the learned counsel appearing on either side, these writ petitions are taken up for final disposal.

2. Heard Mr.B.Harikrishnan, learned counsel appearing for the petitioner/National Highways and Mr.R.Rajeswaran, learned Special Government Pleader appearing for the first respondent.

3. Respondents are the land owners. The orders impugned in these writ petitions are the orders passed by the first respondent, who is an arbitrator under the provisions of National Highways Act, 1956, wherein claims for enhanced compensation would be decided.

4. The learned counsel for the petitioner / National Highways, on instructions, submitted that the petitioner may be permitted to withdraw the writ petitions with liberty to approach the concerned court under section 34 of the Act, if so advised and also to negotiate with the land owners as to whether they will be willing to consider reduction in the amount of interest awarded by the learned Arbitrator.

***In the light of the above, liberty is granted to the National Highways Authority to approach the District Court under Section 34 of the Act and if such petition is filed, while computing the period of limitation, the period during which all the Writ Petitions were pending shall be excluded.**

5. In the light of the above submissions of the learned counsel for the petitioner, these writ petitions are dismissed as withdrawn, giving liberty to the petitioner/National Highways to approach the District Collector under Section 34 of the Act, if so advised, to discuss the matter with the land owners to arrive at an amicable settlement.

6. While disposing of these writ petitions, this Court would opine that the compensation awarded by the arbitrator is fair and reasonable and if the National Highways wants reduction in the interest, it is always open to them to have a discussion with the land owners with an open mind, after all, the respondents/land owners have lost their lands and it is appropriate that they would be compensated justly. Further, it is to be noted that some of the land owners are said to have given proposals, wherein they would be agreeable for reduction in the rate of interest or quantum of interest. This shows the positive attitude on the part of the land owners stating that they are with the open mind to have a discussion.

In the result, these writ petitions are dismissed as withdrawn with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/
ASSISTANT REGISTRAR (CS-IV)
Dated : 07.12.2015

***Issue fresh Order copy as per Order
of this Court dated 22.01.2016 by TSSJ
Sd/- Assistant Registrar (CO)
Dated : 08.02.2016**

/TRUE COPY/

SUB-ASSISTANT REGISTRAR

Gv
To

1. The Arbitrator & District Collector,
Tiruvallur,
Tiruvallur District.

To be Substituted to
the Order already

2. National Highways Authority of India
Rep. by its Project Director
Mr. T. Suresh Kumar
"Sri Tower" 3rd floor
DP-34 (SP), Industrial Estate,
Guindy, Chennai - 600 032.

despatched on
14.12.2015

+1 CC to Mrs. A.L. Ganthimathi Advocate. SR.NO. 63435
+1 CC to Govt. Pleader. SR.NO. 63526
+7 cc to M/S. B. Harikrishnan, Advocate Sr. 63620, 63619,
63618, 63614, 63615, 63616, 63617, [15/12/2015]

W.P. Nos. 284 to 290 of 2015
and
M.P. Nos. 1 to 1 of 2015

CO-AK
JD 08/12/2015
CA(10.02.2016)