

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.04.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.13294 of 2016

1. P. Alagesan
2. A. Shanthi ... Petitioners

Vs.

The District Collector
Salem District, Salem. ... Respondent

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondent to dispose of the Statutory Appeal filed under Section 3-G (5) of National Highways Act, by the petitioner on 14.04.2010, within the time, that may be stipulated by this Court.

For Petitioners : Mr. C. Prakasam
For Respondent : Mr. R. Lakshmi Narayanan
Additional Government Pleader

O R D E R

Heard Mr. C. Prakasam, the learned counsel appearing for petitioners and Mr. R. Lakshmi Narayanan, learned Additional Government Pleader, accepting notice for the respondent. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission.

2. The petitioners have filed this Writ Petition seeking for a direction to the respondent to dispose of the Statutory Appeal filed by them under Section 3-G 5 of the National Highways Act.

3. According to the petitioners, the Appeal was filed on 14.04.2010, by which, they have claimed for enhanced compensation.

4. The learned Additional Government Pleader for the respondent and Mr. Richardson Wilson, the learned counsel appearing for the intervener/National Highways Authority of India, submits that it is not known as to whether the petitioner's Appeal/Application filed under Section 3-G (5) of

the National Highways Act, is within the time stipulated under the provisions of the Arbitration and Conciliation Act, 1996. In any event, the petitioner only seeks for disposal of the Appeal in accordance with law. Therefore, at this juncture, this Court need not go into the aspect whether the Appeal filed by the petitioners is either within the limitation or barred by limitation, as the same shall be taken note of by the respondent. Accordingly, there will be a direction to the respondent to consider the petitioners' Appeal/Application, dated 14.04.2010, and pass orders on merits and in accordance with law and inform the petitioners as to the exact state of affairs, so that the petitioners will be entitled to work out their remedy in the manner known to law. The above direction be complied with by the respondent within a period of four months from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

The District Collector
Salem District, Salem

+1 cc to Mr.C.Prakasam Advocate sr.23008/16
+1 cc to Government Pleader sr.22774/16

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