

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2016

CORAM

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

Writ Petition No.13402 of 2016

1. M.Vinayagam
2. S.Marimuthu
3. N.Ramasamy Reddy
4. S.Arumugam
5. G.Ravi
6. G.Perumal
7. V.Mani
8. G.Palani
9. R.Velayudham
10. S.Egambaram
11. J.Munikrishnan
12. Ragava Natesa Reddy
13. R.Gajendiran

... Petitioners

Vs.

1. The District Collector,
Thiruvallur.
2. The Competent Authority,
Special District Revenue Officer (LA)
Officer of the Special District Revenue Officer,
National Highways JN Road,
Oil Mills, Thiruvallur - 602 001.
3. The Project Director,
National Highways Authority of India
PIU, Chennai - 600 016.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the first respondent to commence the arbitration proceedings in the claim made by the petitioners in their respective claims and to conclude the same in a time bound manner.

For Petitioners : Mr.V.Prakash, Senior Counsel
for Mr.K.Sudalaikannu

For Respondents 1 & 2 : Mr.R.Lakshmi Narayanan
Additional Government Pleader

For Respondent-3 : Mrs.S.R.Sumathy
Standing Counsel

O R D E R

Heard Mr.V.Prakash, the learned Senior Counsel appearing for Mr.K.Sudalaikannu, the learned counsel for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader, accepting notice for first and second respondents and Mrs.S.R.Sumathy, learned Standing Counsel (for NHAI) accepting notice of third respondent. With the consent of parties, the main Writ Petition is taken up for final disposal at the stage of admission.

2. The petitioner are the lands owners, whose lands were acquired by the National Highways Authority of India for laying out by-pass road NH-205. Lands have been taken over, and there is no challenge to the land acquisition proceedings. The petitioners are aggrieved, because, paltry amount was given to them as compensation. Therefore, they rushed to this Court by filing a Writ Petition in W.P.No.16868 of 2013, to direct the Authorities to commence the arbitration proceedings and to pay enhanced compensation. The said Writ Petition was dismissed, by order, dated 21.06.2013, with observation that the order of dismissal will not preclude the petitioners from making applications before the Authority concerned, and thereafter, to approach this Court, if no action is taken by the first respondent/District Collector, with regard to their prayer. The petitioners have implicitly followed the order and direction issued by this Court in the earlier Writ Petition, and as this Court presumed that there may be necessity for the petitioners to come to this Court. As it is commonly seen that the District Collectors are hard-pressed for time, and they are unable to dispose of arbitration claim in a time bound manner, therefore, onceagain, the petitioners have given representation to the Authority/first respondent on 09.02.2016, which has been acknowledged by the Office of the first respondent on the same day itself, and the petitioners are before this Court since nothing has happened for nearly two months.

3. In the light of the above, there will be a direction to the first respondent to commence the arbitration proceedings soon, not later than 10.06.2016, and proceed with the matter in a time bound manner by affording full and effective opportunity to the erstwhile landowners/petitioners to produce documentary evidence in support of their claim, and after considering all these aspects and after affording opportunity of personal hearing to the landowners, or their authorized representatives, the first respondent shall complete all the proceedings and pass awards well before 30.08.2016. It is made clear that all the issues raised by the petitioners shall be considered by the first respondent.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

sd

To

1. The District Collector,
Thiruvallur.
2. The Competent Authority,
Special District Revenue Officer (LA)
Officer of the Special District Revenue Officer,
National Highways JN Road,
Oil Mills, Thiruvallur - 602 001.
3. The Project Director,
National Highways Authority of India
PIU, Chennai - 600 016.

+1cc to Mr.V.Prakash, Senior Counsel for Mr.K.Sudalaikannu,
S.R.No.22657
+1cc to Mrs.S.R.Sumathy, Advocate, S.R.No.23141
+1cc to Mr.P.Wilson Associates, Advocate, S.R.No.22953
+1cc to the Government Pleader, S.R.No.22741

Writ Petition No.13402 of 2016

NR(CO)
CA(27/04/2016)