

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE T.S. SIVAGNANAM

W.P.NO.16551 OF 2016

1.Sadasivam
2.Dhanasekaran
3.Sivagami .. Petitioners

Vs.

1.The District Collector cum Arbitrator
Under the National Highways Act
Collectorate, Kancheepuram,
Kancheepuram District.

2.The Competent Authority &
Special District Revenue Officer (L.A)
National Highways,
Kancheepuram, Kancheepuram District.

3.National Highways Authority of India
Rep. By its Project Director
Project Implementation Unit
No.1/54-28, Butt Road,
St. Thomas Mount, Near Kathipara Junction,
Chennai - 600 016. .. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the first respondent District Collector cum Arbitrator to consider the representation of the petitioners' dated 03.11.2014 and thereby conduct an Arbitration proceedings as per Section 3G(5) and (6) of the National Highways Act, 1956 by providing all the opportunity to lead oral and documentary evidences and conclude the same within the stipulated time.

For Petitioners : Mr.D.Muthukumar
For Respondents : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

Heard Mr.D.Muthukumar, learned counsel appearing for the petitioners and Mr.R.Rajeswaran, learned Special Government Pleader, accepting notice on behalf of the respondents. By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2.The petitioners seek for issuance of writ of mandamus, directing the first respondent District Collector cum Arbitrator, to consider their representation dated 03.11.2014, and thereby conduct an Arbitration proceedings, as per Section 3G(5) and (6) of the National Highways Act, 1956, by providing all the opportunity, to lead oral and documentary evidences and conclude the same, within the stipulated time.

3.The petitioners' lands were acquired for a Scheme under the National Highways Act and the compensation was assessed by the Competent Authority and Special District Revenue Officer (L.A), National Highways, Kancheepuram and an award was passed on 08.01.2014. The petitioners, not being satisfied with the amount of compensation fixed, filed an application before the first respondent, who is the Arbitrator under the provisions of the Act, who has to consider such claims for enhanced compensation. Curiously enough, on receipt of the application, the first respondent has forwarded the same to the second respondent, without taking note of the fact that the application filed before the first respondent is on account of the fact that the petitioners were dissatisfied with the award passed by the second respondent. The first respondent, being the Competent Authority, has to function as Arbitrator under the Act and decide the petitioners' application, on merits and in accordance with law.

4.In the light of the above, there will be a direction to the first respondent to consider the petitioners' representation dated 03.11.2014, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners / erstwhile land owners, within a period of three months from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above observation and direction. No costs.
TK

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

- 1.The District Collector cum Arbitrator
Under the National Highways Act
Collectorate, Kancheepuram,
Kancheepuram District.
- 2.The Competent Authority &
Special District Revenue Officer (L.A)
National Highways,
Kancheepuram, Kancheepuram District.

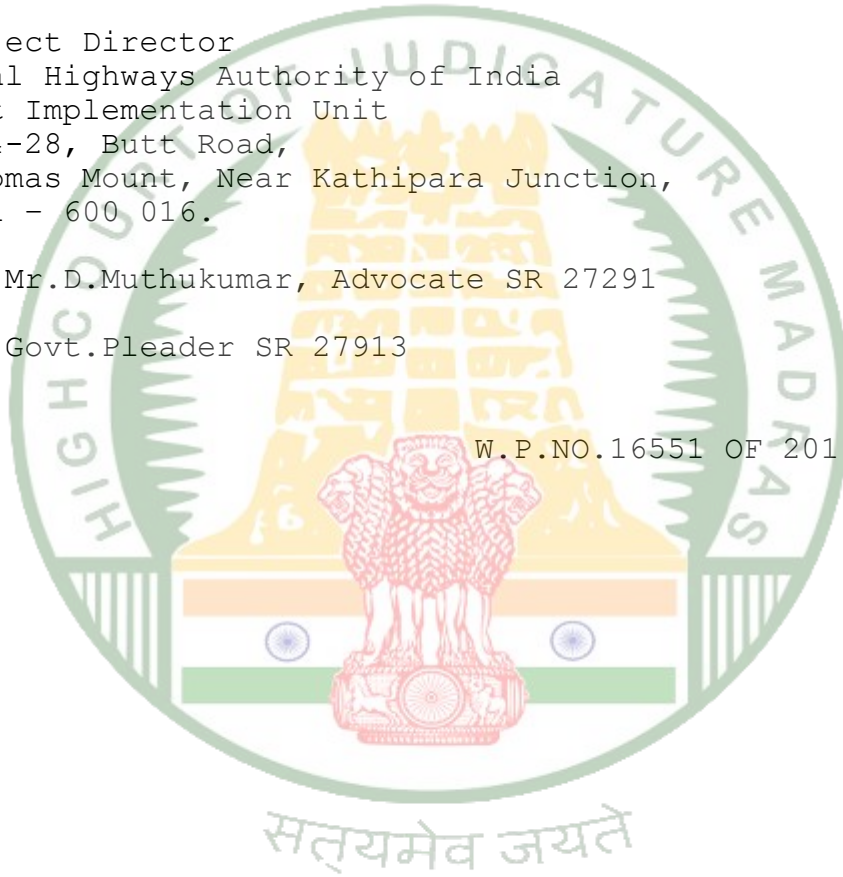
- 3.The Project Director
National Highways Authority of India
Project Implementation Unit
No.1/54-28, Butt Road,
St. Thomas Mount, Near Kathipara Junction,
Chennai - 600 016.

+ 1 cc to Mr.D.Muthukumar, Advocate SR 27291

+ 1 cc to Govt.Pleader SR 27913

sv(co)
prk2/6

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