

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:19-07-2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

WRIT PETITION No.24455 of 2016

M.Elumalai

..Petitioner

Vs.

1.The Project Director,
National Highways Authority of India,
'Sri Tower', 3rd Floor,
DP-34(SP) Industrial Estate,
Guindy, Chennai-600 032.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Competent Authority,
The Special District Revenue Officer,
(Land Acquisition),
National Highways-205,
Thiruvallur.

..Respondents

Writ Petition is filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to adjudicate the unnumbered Arbitration Case No. of 2015 on merits in accordance with law in so far as the proceedings of the third respondent in Rc.No.26/2010 Unit-III, dated 10.2.2014.

For Petitioner : Mr.R.Jayaprakash

For Respondent-1 : Mr.Jerry V.V.Sundar
for M/s.P.Wilson Associates.

For Respondents-2&3: Mr.R.M.Muthukumar,
Government Advocate.

O R D E R

The petitioner is the owner of the property totally to an extent of 5587 sq.mts. comprised in Survey Nos.203/1B and 203/4B, at Vedanginallu Village, Thiruvallur Taluk, Thiruvallur District.

2. The properties were acquired for the purpose of widening the National Highways and Award No.28 of 2011 was passed on 9.11.2011. Since the amount awarded was very meagre, the petitioner asked for reference for enhancement and filed an application before the second respondent on 10.11.2014 and so far no order has been passed.

3. Though the Award was passed on 9.11.2011, the third respondent only called upon the petitioner to receive the amount by proceedings dated 10.2.2014 and therefore, arbitration proceedings were initiated on 10.11.2014. Till date, the proceedings have not been commenced and therefore, the petitioner has come up before this Court, seeking Writ of Mandamus, directing the second respondent to adjudicate the unnumbered arbitration case filed by the petitioner on 10.11.2014.

4. Heard Mr.R.Jayaprakash, learned counsel appearing for the petitioner, Mr.R.M.Muthukumar, learned Government Advocate appearing for the second and third respondents and Mr.Jerry V.V.Sundar, learned counsel, appearing for the first respondent, who would oppose the prayer stating that it is barred by limitation, as the arbitration proceedings have to be filed within 3 years.

5. Though Mr.R.M.Muthukumar, learned Government Advocate appearing for respondents 2 and 3, would submit that the arbitration proceedings have been barred by limitation, a perusal of the records would reveal that though the Award was passed on 9.11.2011, the third respondent, in fact, called upon the petitioner to receive the amount as per the Award only on 10.2.2014. Thereafter the petitioner filed the arbitration proceedings before the second respondent on 10.11.2014.

6. Even if time limit is not given, reasonable time has to be taken to file and prosecute the case. The time taken by the petitioner to initiate arbitration proceedings cannot be termed as very lengthy one. Therefore the arbitration proceedings have been initiated within the reasonable time. Therefore, the second respondent is directed to adjudicate the arbitration case filed by the petitioner on 10.11.2014, after hearing both the petitioner as well as the other parties, within six months from the date of receipt of a copy of this order.

7. The writ petition is disposed of with the above directions. No costs.
Svn.

Sd/-
Asst.Registrar

/true copy/

To

1.The Project Director,
National Highways Authority of India,
'Sri Tower', 3rd Floor,
DP-34(SP) Industrial Estate,
Guindy, Chennai-600 032.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

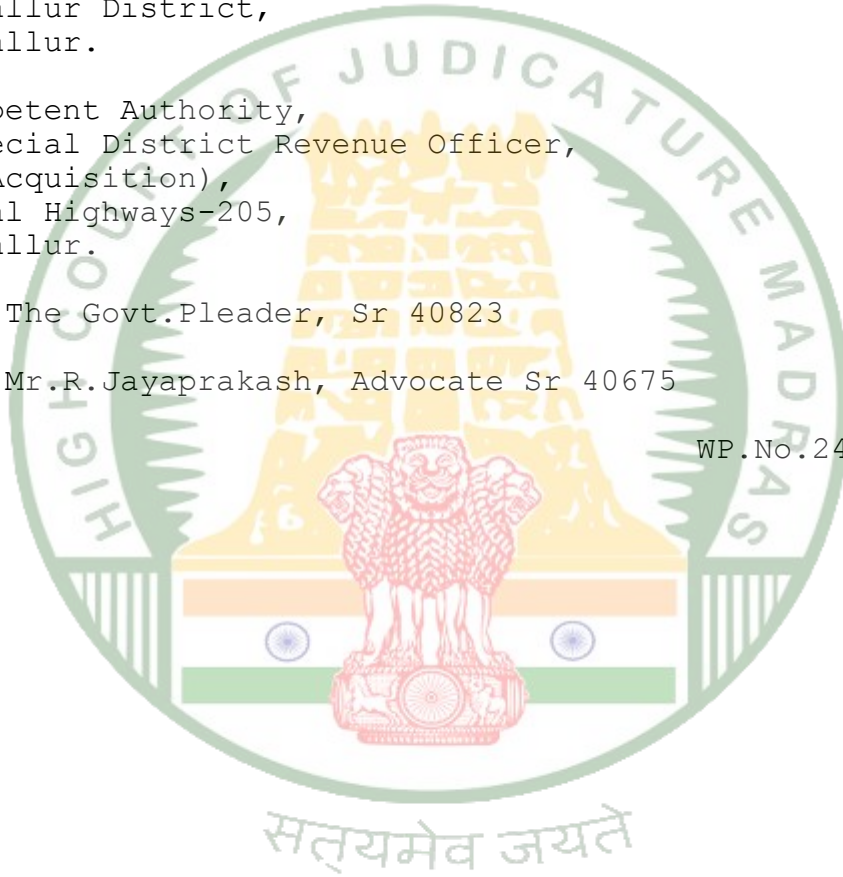
3.The Competent Authority,
The Special District Revenue Officer,
(Land Acquisition),
National Highways-205,
Thiruvallur.

+ 1 cc to The Govt.Pleader, Sr 40823

+ 1 cc to Mr.R.Jayaprakash, Advocate Sr 40675

KR/1/8/16

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