

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2016

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.30283 of 2016

Dhanalakshmi

[Petitioner]]

Vs

- 1 The District Collector cum
Arbitrator Collector Thiruvallur District
Thiruvallur
- 2 The Competent Authority and
Special District Revenue officer (Land
Acquisition) National highways 205
Thiruvallur
- 3 The Project Director
National Highways Authority of India
Chennai-16. [Respondents]

Writ Petition is filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the 1st respondent/ Arbitrator cum District Collector to conduct the enquire on the application for enhancement of compensation made by the petitioner under the National highways Act 1956 by providing sufficient opportunity to the petitioner within a reasonable time.

For Petitioner : Mr.C.Prabakaran

For Respondent-3 : Mr.P.Wilson, Senior Counsel
for M/s.P.Wilson Associates.

For Respondents-1 &2: Mr.T.M.Pappiah,
Special Government Pleader.

O R D E R

The writ petition has been filed for the issuance of a writ of mandamus to direct the 1st respondent/ Arbitrator cum District Collector to conduct the enquiry on the application for enhancement of compensation made by the petitioner under the National highways Act 1956, by providing sufficient opportunity to the petitioner within a reasonable time.

2. The petitioner is the owner of the land comprised in Survey No.233/2A1B in Panapakkam Village, Thiruthani Taluk, Thiruvallur District. The said property of the petitioner was acquired for the purpose of widening the National Highways and Award also passed. Since the amount awarded was very meagre, the petitioner asked for reference for enhancement and filed

application before the first respondent and so far no order has been passed. Hence the petitioner is before this Court.

3. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioner, Mr.T.M.Pappiah, learned Additional Government Pleader appearing for the first and second respondents and Mr.P.Wilson, Senior Counsel for M/s P.Wilson Associates, appearing for the third respondent.

4. In similar circumstances, this Court in W.P.No.24447 of 2016 dated 19.07.2016 has passed the following order:-

"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 14.6.2013, the third respondent, in fact, called upon the petitioner to receive the amount as per the Award only on 28.4.2014. 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".

5. Following the same, the first respondent is directed to adjudicate the arbitration case filed by the petitioner, after hearing the petitioner as well as the other parties, within a period of six months from the date of receipt of a copy of this order.

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

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

To

- 1 The District Collector cum
Arbitrator Collector Thiruvallur District
Thiruvallur
- 2 The Competent Authority and
Special District Revenue officer (Land
Acquisition) National highways 205
Thiruvallur
- 3 The Project Director
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Chennai-16.

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