

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

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THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.Nos.30609 to 30629, 30680 and 30681 of 2016

Vinayagam .. Petitioner in W.P.No.30609 of 2016
Vajiravelu reddy .. Petitioner in W.P.No.30610 of 2016
Srinivasa Mudaliar .. Petitioner in W.P.No.30611 to 30613 of 2016
Lakshmanan .. Petitioner in W.P.No.30614 of 2016
Subramani .. Petitioner in W.P.No.30615 of 2016
Shanmugham .. Petitioner in W.P.No.30616 of 2016
Chandrasekaran .. Petitioner in W.P.No.30617 of 2016
Pugezhenthi .. Petitioner in W.P.No.30618 of 2016
K.V.Jayachandran .. Petitioner in W.P.No.30619 of 2016
Vembuliammal .. Petitioner in W.P.No.30620 of 2016
Elumalai .. Petitioner in W.P.No.30621 of 2016
G.Manoharan .. Petitioner in W.P.No.30622 of 2016
M.K.Prakash .. Petitioner in W.P.No.30623 of 2016
Poongan .. Petitioner in W.P.No.30624 of 2016
Vinodhkothari .. Petitioner in W.P.No.30625 of 2016
G.Arjunan .. Petitioner in W.P.No.30626 of 2016
D.Lakshmanan .. Petitioner in W.P.No.30627 of 2016
Desammal .. Petitioner in W.P.No.30628 of 2016
Sunitha .. Petitioner in W.P.No.30629 of 2016
1. Pakkiri
2. Perumal
3. Subramani ...Petitioners in W.P.No.30680 & 30681 of 2016

सत्यमेव जयते
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 2nd respondent to adjudicate the un-numbered Arbitration Case No.... of 2012 (in WPs 30609 to 30629) 2015 (in WPs 30680 & 30681/16) on merits in accordance with law in so far as the proceedings of the 3rd respondent in RC. No.11/2009/UNIT-II dated 25.11.2011, in RC No.07/2010/Unit I, dated 22.11.2011, RC No.11/2011/Unit II, dated 17.12.2011, RC No.11/2009/Unit II, dated 02.12.2011, RC No.11/2009/Unit II, dated 02.12.2011, RC No.24/2010/Unit III, dated 20.04.2012, RC No.11/2009/Unit II, dated 31.01.2012, RC No.16/2010/Unit III, dated 10.10.2013, RC No.14/2013/Unit II, dated 18.10.2013, RC No.14/2013/Unit II, dated 30.11.2013, RC No.14/2013/Unit II, dated 13.12.2014, RC No.26/2010/Unit III, dated 25.02.2014, RC No.26/2010/Unit III, dated 25.11.2014, RC No.11/2010/Unit II, dated 18.11.2011, RC No.11/2009/Unit II, dated 29.02.2012, RC No.14/2013/Unit II, dated 11.06.2014, RC No.28/2010/Unit IV, dated 04.02.2015, RC No.14/2013/Unit II, dated 20.11.2013, RC No.14/2013/Unit II, dated September, 2014, RC No.14/2013/Unit II, dated 20.11.2013, RC No.14/2013/Unit II, dated September, 2014, RC No.26/2010/Unit III, dated 20.06.2013, RC No.26/2010/Unit III, dated 10.11.2014 respectively also.

For Petitioners : Mr.R.Jayaprakash
For Respondent-1 : Mr.Jerry V.V.Sundar
for M/s.P.Wilson Associates.
For Respondents-2&3 : Mr.T.M.Pappiah,
Special Government Pleader.

C O M M O N O R D E R

As the issue involved in all the Writ Petitions is identical in nature, the writ petitions are taken up together and disposed of vide this common order.

2. The respective properties of the petitioners were acquired for the purpose of widening the National Highways and Awards were also passed. Since the amount awarded was very meagre, the petitioners asked for reference for enhancement and filed applications before the second respondent and so far no order has been passed. Hence the petitioners are before this Court.

3. Heard Mr.R.Jayaprakash, learned counsel appearing for the petitioners, Mr.T.M.Pappiah, learned Additional Government Pleader appearing for the second and third respondents and Mr.Jerry V.V.Sundar, learned counsel, appearing for the first respondent.

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

<https://hcservices.ecourts.gov.in/hcservices/> "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 second respondent is directed to adjudicate the respective arbitration cases filed by the petitioners, after hearing both the petitioners 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 petitions are disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VII)

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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.

2 ccs to M/s.P.Wilson Associates, Advocates, sr.50106 & 50107

22 ccs to Mr.R.Jayaprakash, Advocate, sr.50261 to 50283

WP Nos.30609 to 30629,
30680 and 30681 of 2016

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