

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition Nos.8723 and 8724 of 2016
and
W.M.P.Nos.7715 and 7716 of 2016

1. K.Viswanathan ...Petitioner in W.P.No.8723 of 2016
2. P.Balasubramaniam ...Petitioner in W.P.No.8724 of 2016

Vs.

1. The Project Director,
Project Implementation Unit,
National Highways Authority of India (NHAI),
Ministry of Road Transport and Highways,
Door No.212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem - 636 004.
2. The District Collector-cum-Arbitrator
Erode District
Dheeran Chinnamalai Maaligai
District Collectorate, Perundurai Road
Erode 638 011.
3. The District Revenue Officer
Competent Authority, NH - 47 (L.A)
Erode District, District Collectorate Building
Erode 638 011.
4. The Special Tahsildar (Land Acquisition)
Erode Taluk National Highways
NH-47 (Four Way Project)
Office of the Special Tahsildar (Land Acquisition),
5th Floor, District Collectorate Building,
Erode - 638 011. ... Respondents in both
WPs.

Prayer in W.P.No.8723 /2016:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified mandamus to call for relevant records relating to the impugned order of rejection vide proceedings in

The.Ne.47/Arbitration/2015, dated 22.02.2016, from the file of the second respondent, and to quash the same insofar it relates to the lands comprised in Survey Nos.164/7A2, 211/4A and 211/8A, situate at Nellagoundenpalayam Village, Erode District and consequently, to direct the second respondent to permit the petitioner to participate in the Arbitration Proceedings and to afford the petitioner an opportunity of fair hearing for enhanced compensation in accordance with law after considering his representation, dated 11.01.2016.

Prayer in W.P.No.8724 /2016:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified mandamus to call for relevant records relating to the impugned order of rejection vide proceedings in The.Ne.47/Arbitration/2015, dated 22.02.2016, from the file of the second respondent, and to quash the same insofar it relates to the lands comprised in Survey Nos.128/5, 128/7B, and 128/16B, situate at Perodu Village, Erode Taluk, Erode District, and consequently, to direct the second respondent to permit the petitioner to participate in the Arbitration Proceedings and to afford the petitioner an opportunity of fair hearing for enhanced compensation in accordance with law after considering his representation, dated 11.01.2016.

For petitioners Mr.C.E.Pratap
For 1st respondent ... Mr.P.Wilson, Senior Counsel
for M/s.P.Wilson Associates
For Respondents 2 to 4... Mr.R.M.Muthukumar
Government Advocate

COMMON O R D E R

As the issue involved in these Writ Petitions are identical, they have been taken up together, and disposed of, by this common order, with the consent of parties at the stage of admission itself.

2. At the outset, the learned counsel appearing for petitioners submits that the issue involved in these Writ Petitions is no longer res integra, as it is squarely covered by the earlier decision of this Court, in W.P.Nos.37138 to 37142 of 2015, dated 20.11.2015, in which, similar prayers were sought for, and the said Writ Petitions were allowed, quashing the impugned orders, and issued certain directions to the second respondent to permit the petitioners to participate in the arbitration proceedings and put forth their submissions in support of their claim for enhanced compensation. The learned

counsel has also annexed a copy of the said order at page No.21 of the typed-set of papers, filed along with this Writ Petition, and submitted that in the light of the aforesaid order, the present Writ Petitions may also be allowed, on the same lines, as they involve similar set of facts. At this stage, it would be beneficial to quote the operative portion of the earlier order, dated 20.11.2015, which is as hereunder:-

" In the result, these Writ Petitions are allowed, and the second respondent is directed to permit the petitioners to participate in the arbitration proceedings and put forth their submissions in support of their claim for enhanced compensation, which shall be considered in accordance with law as expeditiously as possible. No costs. "

3. Mr.P.Wilson, learned Senior Counsel for M/s.P.Wilson Associates, accepts notice for first respondent, and Mr.R.M.Muthukumar, the learned Government Advocate, accepts notice for respondents 2 to 4, and they do not dispute the position, and agree that the Writ Petitions can be allowed on the same lines.

4. Thus, in the light of the order passed by me in W.P.Nos.37138 to 37142 of 2015, dated 20.11.2015 (referred supra), the present Writ Petitions can also be allowed, on the same lines. Accordingly, these Writ Petitions are allowed, the impugned orders are set aside, and the second respondent is directed to permit the petitioners to participate in the arbitration proceedings and put forth their submissions in support of their claim for enhanced compensation, which shall be considered in accordance with law, as expeditiously as possible. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

sd

To

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Project Implementation Unit,
National Highways Authority of India (NHAI),
Ministry of Road Transport and Highways,
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Office of the Special Tahsildar (Land Acquisition),
5th Floor, District Collectorate Building,
Erode - 638 011.

1 cc to Government Pleader, Sr. 15330
2 ccs to Mr.C.E. Pratap, Advocate, Sr. 14912

W.P.Nos.8723 & 8724 of 2016

SV (CO)
kk 15/4



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