

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2017

CORAM

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

W.P.Nos.25479 to 25486 of 2017

W.P.No.25479/2017

K.R.Babu

...Petitioner

v.

1.The Special District Revenue Officer (L.A.)
National Highways Scheme - 205 - Tiruvallur
Periyakuppam
Tiruvallur District.

2.The Project Director
National Highways Authority of India
Chenani - 600 032.

3.The District Collector
Tiruvallur District
(R3 Suo Motu impleaded as per order
dated 22.09.2017)

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 1st respondent to number the Arbitration Petition dated 07.03.2017 filed by the petitioner under Section 3G (5) of the National Highways Act 1956 for enhanced compensation to the acquired land of the petitioner and to pass an order of enhanced compensation along with the other statutory benefits.

For Petitioners : Mr.P.S.Kothandaraman

For Respondents : Mr.S.Diwakar
Special Govt. Pleader - for R1 & R3

Ms.S.R.Sumathy - for R2

COMMON ORDER

Mr.S.Diwakar, learned Special Government Pleader, takes notice for the respondents 1 and 3 and Ms.S.R.Sumathy, learned counsel takes notice for the 2nd respondent. By consent, the main writ petitions are taken up for disposal at the admission stage itself.

2. The petitioners have filed the above Writ Petitions to issue a Writs of Mandamus, directing the 1st respondent to number the Arbitration Petitions filed by the petitioners under Section 3G (5) of the National Highways Act 1956 for enhanced compensation to the acquired land of the petitioners and to pass an order of enhanced compensation along with the other statutory benefits.

3. The learned counsel appearing for the petitioners submitted that the petitioners have filed the Arbitration Petitions under section 3(G)(5) of the National Highway Act claiming enhanced compensation. However, the 1st respondent has not yet numbered

the arbitration petitions and taken up the same for hearing.

4. The Authority under the National Highways Act to entertain the Arbitration proceedings is the District Collector. However, the petitioner has not made the District Collector as respondent in the writ petitions. In these circumstances, in the interest of justice, the District Collector, Tiruvallur District is suo motu impleaded as 3rd respondent in all these writ petitions.

5. Mr. S. Diwakar, learned Special Government Pleader, appearing for the respondents 1 and 3 submitted that the 3rd respondent may be directed to number the Arbitration petitions filed by the petitioners and dispose of the same, in accordance with law, within a time frame.

6. Having regard to the submissions made by the learned counsel on either side, I direct the 3rd respondent to number the Arbitration petitions filed by the petitioners under Section 3G (5) of the National Highways Act, within one week from the date of receipt of a copy of this order and dispose of the same in accordance with law, after giving an opportunity of hearing to the petitioners, within a

period of twelve weeks from the date of numbering of the petitions.

With these observations, the writ petitions are disposed of. No costs.

22.09.2017

Index: Yes/No

Rj

To

- 1.The Special District Revenue Officer (L.A.)
National Highways Scheme - 205 - Tiruvallur
Periyakuppam
Tiruvallur District.
- 2.The Project Director
National Highways Authority of India
Chenani - 600 032.
- 3.The District Collector
Tiruvallur District

WEB COPY

M.DURAI SWAMY, J.

Rj



W.P.Nos.25479 to 25486 of 2017

22.09.2017

WEB COPY