

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2017

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.27918 of 2017

Mrs.Rajammal

Wife of Late Nallaiyan

.. Petitioner

Vs.

1. The District Collector
Namakkal District
appointed as Arbitrator
under Section 3(G) (5)
of the National Highways Act, 1956

2. The Competent Authority
(NHAI) / District Revenue Officer
NH-7 & 47,
Namakkal District.

.. Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in relation to the impugned proceedings in Na.Ka.4517/2012/Arbit dated 04.10.2017 and quash the same and further direct the 1st respondent to hear the claim petitions preferred by the petitioner.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.P.V.Selvakumar

Additional Government Pleader

O R D E R

Mr.P.V.Selvakumar, learned Additional Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner is aggrieved against the order of the first respondent dated 04.10.2017 refusing to entertain the petitioner's application seeking for enhancement of compensation under the National Highways Act, 1956 on the reason that the same was filed belatedly after a period of three years.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

4. Learned counsel for the petitioner submitted that there is no period of limitation prescribed for approaching the authorities seeking for enhancement of compensation under the National Highways Act and therefore, the impugned order cannot be passed by the 1st respondent only on the ground that the application was filed belatedly. In support of his submission, the learned counsel relied on the decision of this Court made in W.P.No.6055 of 2016 dated 18.02.2016, wherein this Court, has observed that the National Highways Act does not prescribe a period of limitation and therefore, the land owners, seeking for enhancement of compensation, cannot be denied such relief on the ground of limitation.

5. A perusal of the impugned order would show that except the reason of delay, no other reason was stated for rejecting the request of the petitioner. Therefore, by following the order passed by this Court earlier in W.P.No.6055 of 2016 dated 18.02.2016, this Court is of the view that the impugned order cannot be sustained. Accordingly, the writ petition is allowed and the impugned order is set aside. The matter is remitted back to the 1st respondent for considering the request of the petitioner seeking for enhancement of compensation and pass orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

-Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

To

1. The District Collector
Namakkal District
appointed as Arbitrator
under Section 3(G) (5)
of the National Highways Act, 1956

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2. The Competent Authority
(NHAI) / District Revenue Officer
NH-7 & 47,
Namakkal District.

- 1 cc to Mr.S.Senthil, Advocate Sr.No.77325
- + 1 cc to The Government Pleader Sr.No.77643
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W.P.No.27918 of 2017

VS 22/11/2017



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