

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2017

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.41818 of 2016

A.Kuppusamy ... Petitioner

-Vs-

- 1.The District Collector cum Arbitrator
Villupuram.
- 2.The Competent Authority and
Special District Revenue Officer (L.A)
NH.68, Salem Ulundurpet,
Four Lane Road Project
Salem. ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the first respondent to consider petitioner representation dated 20.08.2016 and thereby initiating the proceedings for enhancement of compensation under Section 3G (5) (6) of the National Highways Act 1956 by providing reasonable opportunities to lead oral and documentary evidences and conclude the same within the prescribed time limit.

For Petitioner : Mr.R.Nalliyappan

For Respondents : Mr.A.Zakir Hussain [for R1]
Government Advocate
Mrs.S.R.Sumathy [for R2]

ORDER

This petition has been filed to direct the first respondent to consider the representation of the petitioner dated 20.08.2016 and to dispose of the arbitration matter pending before the first respondent filed under Section 3G (5) (6) of the National Highways Act, 1956.

2. The learned counsel for the petitioner submitted that an extent of 6651 sq.mtrs. of land comprised in S.F.No.266/1, 293/1C2, 293/3B, 293/5A2, 293/5B, 293/8B, 293/10B, 293/11B, 293/12 of Chinna Salem Village, belonging to the petitioner, was acquired by the National Highways Authority Vide its proceedings dated 07.09.2009, 07.08.2010 and 17.08.2010, and an award has been passed in this matter and having felt aggrieved by the inadequacy of the compensation awarded, the

petitioner has moved the second respondent (Competent Authority) to refer the matter to arbitration. However the same has not been done. In the meantime, the petitioner filed a representation dated 20.08.2016 seeking enhancement of compensation.

3. Heard Mr.A.Zakir Hussain, learned Government Advocate appearing on behalf of the first respondent and Mrs.S.R.Sumathy, learned counsel for the second respondent, even though no counter has been filed.

4. The core issue is, whether the petitioner has approached the wrong authority for seeking a reference to arbitration. If the petitioner had approached the second respondent instead of first respondent, then such mistake committed by an innocent and inadequately educated petitioner should not be weighed against him. Therefore, the second respondent is directed to forward the papers if the same had been filed by the petitioner, to the first respondent, which the first respondent may treat it as a reference made to it, and is further directed to deal with the matter as per law.

5. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

- 1.The District Collector cum Arbitrator
Villupuram.
- 2.The Competent Authority and
Special District Revenue Officer (L.A)
NH.68, Salem Ulundurpet,
Four Lane Road Project,Salem.

+ 1 cc to Mr.R.Nalliyappan,advocat,sr.88228

+1 cc to Govt.Pleader,sr.89654.

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