



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.A.(MD)Nos.926 and 927 of 2014
against
WP(MD)Nos.4670 and 4669 of 2014

Thangapandiyan

... Appellant/Petitioner in
W.A.(MD) No.926 of 2014

Ponnambalam

... Appellant/Petitioner in
W.A.(MD) No.927 of 2014

Vs.

- 1.The District Collector,
Kanyakumari District.
- 2.The District Revenue Officer,
Kanyakumari District.
- 3.The Special Revenue Officer (LA) (NH),
High Ground,
Tirunelveli District.

... Respondents/Respondents
in both appeals

Writ Appeals filed under Clause 15 of Letter Patent against the order passed by this Court in W.P.(MD)Nos.4670 and 4669 of 2014 dated 25.04.2014.

Prayer in WP(MD). 4670/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records in the impugned proceedings in Roc.No.E3/34608/2011 dated 25/11/2013 by the 1st respondent and quash the same and consequently direct the 1st respondent to dispose of the same giving opportunity to the Petitioner .

Prayer in WP(MD). 4669/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records in the impugned proceedings in Roc.No.E3/34608/2011 dated 25.11.2013 by the 1st



respondent and quash the same and consequently direct the 1st respondent and quash the same and consequently direct the 1st respondent to dispose of the same giving opportunity to the petitioner .

For Appellant in both
appeals

: Mr.M.Ramu

For Respondents in both
appeals

: Mr.T.R.Janarthanan
Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J)

These writ appeals have been preferred against the order of the learned Single Judge, who refused to interfere with the order of the first respondent/arbitrator.

2.The contention of the learned counsel appearing for the appellant is that there is procedural violation as no notice was issued to the appellants when appointing the expert committee. Though the said submissions has been made initially, the learned counsel for the petitioner would submit that it would be suffice if the appellants are permitted to challenge the order impugned in the writ petition before the jurisdictional Court.

3.Considering the above submission, we modify the order passed by the learned Single Judge in W.P.(MD)Nos.4670 and 4669 of 2014 dated 25.04.2014, by giving opportunity to the appellant to file appropriate application under Section 34 of the of Arbitration and Conciliation Act, 1996 within a period of six weeks from the date of receipt of a copy of this judgment by taking into account Section 14 of the Indian Limitation Act. It is made clear that all the issues are kept open including the findings rendered by the learned Single Judge. Thus, the Court concern has to decide the matter afresh on merits and in accordance with law.

4.These Writ Appeals are disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS-III)

/True Copy/



To

- 1.The District Collector,
Kanyakumari District.

WEB COPY

- 2.The District Revenue Officer,
Kanyakumari District.

- 3.The Special Revenue Officer (LA) (NH) ,
High Ground,
Tirunelveli District.

+One cc to The Special Government Pleader, SR.No.68690

+One cc to Mr.M.Ramu, Advocate, SR.No.67912

sj

RL/6C/3P/KP/SAR1/11/8/2017

W.A. (MD) Nos.926 and 927 of 2014

against

WP (MD) Nos.4670 and 4669 of 2014

26.07.2017