



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.(MD)Nos.19204 to 19206 of 2017

C.Muthappa Gounder	... Petitioner in W.P(MD)No.19204/17
P.Thangavel	... Petitioner in W.P(MD)No.19205/17
A.Selvaraj	... Petitioner in W.P(MD)No.19206/17

Vs.

1. The District Collector
Cum - Sole Arbitrator
Under The National Highways Authority of India Act,
Dindigul District.

2. The District Revenue Officer,
Dindigul.

3. The Divisional Engineer,
National Highways Division,
19, A Jawagar Street,
Madurai - 20.

... Respondents in all petitions

COMMON PRAYER:Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to try and dispose of the arbitration proceedings in A.P.No.48/2015/NH209,A.P.No.45/2015/NH 209 and A.P.No.62/2015/A 209 dated 21.07.2017, respectively, pending on its file, in accordance with law by providing reasonable opportunity to both parties, within a stipulated time.

For Petitioner	: Mr.H.Lakshmi Shankar
For Respondents	: Mr.J.Gunaseelan Muthiah, Government Advocate (In all petitions)

COMMON ORDER

As the issue involved in all the cases are similar in nature, they are disposed of by this common order.

<https://hcservices.ecourts.gov.in/hcservices/> By consent, these writ petitions are taken up for final disposal, at the stage of admission itself.



3. Mr.J.Gunaseelan Muthiah, learned Government Advocate, takes notice for the respondents in all the cases.

4. According to the petitioners, their lands in Ottanchattram Village were acquired by the respondents, under the National Highways Act, in the year 2012 and for the same, compensation amount had also been awarded and deposited. Being dissatisfied with the compensation awarded, the petitioners had preferred individual arbitration proceedings before the first respondent in A.P.No.48/2015/NH 209, A.P.No.45/2015/NH 209 and A.P.No.62/2015/A 209, respectively, which are kept pending, for one reason or other, stating that the contesting respondents in the arbitration proceedings are not appearing. Aggrieved thereby, the petitioners are before this Court, with the aforesaid prayer.

5. Considering the facts and circumstances of these cases, this Court, without going into the merits, directs the first respondent to pass final orders, on the arbitration proceedings of the petitioners, on merits and in accordance with law, after affording due opportunity of hearing to all the parties, within a period of three months from the date of receipt of a copy of this order. On the said date of hearing, all the parties shall appear and place their submissions before the first respondent, failing which, it is open to the first respondent to proceed further, with the materials available on record, in the manner known to law.

6. With the above direction, these Writ Petitions are disposed of. No costs.

Sd/-

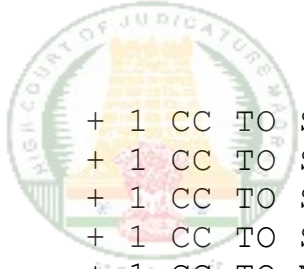
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The District Collector
Cum - Sole Arbitrator
Under The National Highways Authority of India Act,
Dindigul District.
2. The District Revenue Officer,
Dindigul.
3. The Divisional Engineer,
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+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.83036
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 83037
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 83035
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 83006
+ 1 CC TO MR.H.Lakshmi Shankar, ADVOCATE IN SR No. 82897

gk

MK/JC/SAR-2/31.10.2017/3P/9C

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