

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.5176 of 2018

1. K.Dhanaraj

2.V.G.Palanisamy

..Petitioners

Vs

1. The District Collector,
Namakkal.

2. The Competent Authority cum District Revenue Officer,
NH-7 & 47, Namakkal District.

3. The Project Director,
National Highways Authority of India,
Project Implementation,
Sri Nagar Unit, Narasothipatti,
Salem.

..Respondents

[R3- Suo motu impleaded as per order of this Court,
dated 08.03.2018 in WP.No.5176/2018]

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in relation to the impugned proceedings in Na.Ka.No.16641/2010/Arbit dated 17.11.2017, quash the same and further direct the 1st respondent to hear the claim petitions preferred by the petitioners.

For Petitioners
For Respondents

: Mr.S.Saravanakumar
: Mr.Akhil Akbar Ali
Government Advocate for R1 & R2
: Mrs.S.R.Sumathy for R3

ORDER

Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the respondents 1 & 2 and the

learned Standing Counsel appearing for the 3rd respondent and perused the materials available on record.

2. This writ petition has been filed challenging the order of the first respondent dated 17.11.2017, rejecting the representations of the petitioners, seeking enhancement of compensation.

3. The petitioners submitted representations to the first respondent on 12.10.2017, seeking enhancement of compensation for their lands acquired. The respondent by the impugned order rejected the request of the petitioners on the ground that the application is barred by limitation.

4. The learned counsel for the petitioners as well as the learned Government Advocate would submit that the issue involved in this writ petition is squarely covered by a decision of the Division Bench of this Court in the case of W.A.No.308 of 2016, etc. batch, dated 25.04.2018.

5. The Division Bench after quashing the impugned order, in paragraph 35 of the order, has directed the respondents to refer the claim of the petitioners in the writ petition for arbitration as contemplated under Section 3-G(5) and (6) of the National Highways Act.

6. In the light of the above decision, the order impugned in this writ petition is set aside. Accordingly, the writ petition is allowed and the respondents are directed to initiate arbitration proceedings as per the decision stated above. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

pvs

To

1. The District Collector,
Namakkal.

2. The Competent Authority cum District Revenue Officer,
NH-7 & 47, Namakkal District.

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3. The Project Director,
National Highways Authority of India,
Project Implementation,
Sri Nagar Unit, Narasothipatti,
Salem.

+1cc to Mr.I.Abrar Md Abdullah, Advocate, S.R.No.40262
+1cc to Mrs.S.R.Sumathy, Advocate, S.R.No.40600
+1cc to the Government Pleader, S.R.No.41375

W.P.No.5176 of 2018

NRL (CO)
GSP (12/07/2018)



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