

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 08.03.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.Nos.5222, 5223 & 5224 of 2018

1. M.Mani
...Petitioner in W.P.No.5222 of 2018
2. P.A.Siranjeevi
...Petitioner in W.P.No.5223 of 2018
3. E.Venugopal Naidu
...Petitioner in W.P.No.5224 of 2018

Versus

1. The District Collector cum Arbitrator,
Thiruvallur,
Thiruvallur District.
2. The Competent Authority and
Special District Revenue Officer (L.A.),
National Highways - 205,
Thiruvallur,
Thiruvallur District.
3. The Project Director,
National Highways Authority of India,
Chennai - 16.
...Respondents in all the W.Ps

Prayer in W.P.Nos.5222, 5223 & 5224 of 2018:
Writ Petitions filed under Article 226 of the Constitution of India praying for a issuance of a Writ of Mandamus directing the first respondent to dispose the petitioners' unnumbered arbitration case No. of 2017 filed on 22.06.2017, 24.04.2017 & 23.03.2017 respectively within the time stipulated by this Hon'ble Court.

For Petitioners in all the W.Ps : Mr.R.Chellamuthu

For Respondents 1 & 2
in all the W.Ps : Mr.Akhil Akbar Ali,
Government Advocate

Respondent 3 in all the W.Ps : Mrs.S.R.Sumathy

C O M M O N O R D E R

The case of the petitioners in each of the three petitions now before the Court is that the petitioners owned separate plots of land which was acquired under the provisions of National Highways Act, 1956, and awards too have been passed in each of the cases and the details are as below:

W.P.No.	Name of the petitioner	Survey No.	Extent of Land	Award No.	Award Date
5222/2018	M.Mani	696/4A2	587 Sq.mtrs	R.C.No.16/2010 Unit III & R.C.No.16/2011Unit III	18.01.2013 and 30.08.2012
5223/2018	P.A.Siranjeevi	942/4S2	100 Sq.mtrs	R.C.No.16/2010 Unit III	20.06.2013
5224/2018	E.Venugopal Naidu	768/2, 769/3B2	1190 Sq.mtrs	R.C.No.16/2011 Unit III	09.12.2011

2. Since the petitioners felt dissatisfied with the awards passed by the second respondent, they preferred necessary petitions on 22.06.2017, 24.04.2017 & 23.03.2017 respectively before the Arbitrator/District Collector, Thiruvallur under Section 3G(5) of the National Highways Act.

3. The learned counsel for the petitioners submitted that till date the respondents have not passed any award in this matter. They also brought to the notice of the Court that on 11.08.2016, this Court by a common order passed in a batch of Writ Petitions in W.P.Nos.27870 & 27883 to 27886 of 2016 has directed the Arbitrator to dispose of the appeals filed by the petitioners on merits and as per law within a period of twelve weeks from the date of receipt of a copy of this order.

4. Mr.Akhil Akbar Ali, the learned Government Advocate appearing for the respondents 1 & 2 and Mrs.S.R.Sumathy, the learned counsel appearing for the third respondent. Both the learned counsel appearing for the respondents submitted in unison that the petitioners' representation for arbitrating a dispute for enhancement of compensation has been made three years beyond the date of the awards and that the same is hit by an article 137 of the Limitation Act, that the applicability of Article 137 to Arbitration under the National Highways Act is now pending consideration before a Division Bench of this Court.

5. Without going into the merit of the rival contentions either on fact or as to the law applicable, it is still necessary for the first respondent to decide on the appeals preferred in a manner known to law. No useful purpose will be served by keeping the same pending indefinitely.

6. The only prayer that the petitioners seek is to consider their representation dated 22.06.2017, 24.04.2017 & 23.03.2017 respectively. This Court, therefore directs the first respondent to consider the representations of the petitioners within four weeks from the date of receipt of a copy of this order.

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

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

To

1. The District Collector cum Arbitrator,
Thiruvallur,
Thiruvallur District.
2. The Competent Authority and
Special District Revenue Officer (L.A.),
National Highways - 205,
Thiruvallur,
Thiruvallur District.
3. The Project Director,
National Highways Authority of India,
Chennai - 16.

+ 3 cc to Mrs.S.R.Sumathy Advocate, SR.18149,18150,18146

+ 3 cc to M/s.A.Panneerchelvam, Advocate, SR.17941 to 17943

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rj(co)
nr 03/05/2018