

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.13761 of 2018

M.Duraisamy

..Petitioner

Vs

1. The District Collector Cum Arbitrator,
Namakkal District.
2. The Competent Authority,
(NHAI) /District Revenue Officer
NH-7 & 47,
Namakkal District.
3. The Project Director,
Project Implementation Unit,
National Highways Authority of India,
Salem.

...Respondents

[R3- Suo motu impleaded, vide Court order
dated 08.06.2018 made in WP.No.13761/2018]

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.39593/2009/Arbitration dated 26.02.2018, quash the same and further direct the 1st respondent to hear the claim petitions preferred by the petitioners.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.D.Raja

Additional Government Pleader for R1 & R2

: Mr.Su.Srinivasan

Standing Counsel for R3

ORDER

Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 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 26.02.2018, rejecting the representation of the petitioner, seeking enhancement of compensation.

3. The petitioner submitted a representation to the first respondent on 05.02.2018, seeking enhancement of compensation for his lands acquired in Survey Nos.26/3A1 and 26/3A2, measuring an extent of 1091 sq.m. The respondent by the impugned order rejected the request of the petitioner on the ground that the application is barred by limitation.

4. The learned counsel for the petitioner 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 IV)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Namakkal District

2. The Competent Authority,
(NHAI) /District Revenue Officer
NH-7 & 47,
Namakkal District.

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

+1cc to Government Pleader Sr.No.41457

+1cc to Mr.S.Senthil Advocate Sr.No.40477

+1cc to Mr.Su.Srinivasan Advocate Sr.No.41240

sm:9.7.2018

W.P.No.13761 of 2018