

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.24874 of 2018

M.Subramaniam

... Petitioner

Vs

- 1.The Director,
National Highways Commission,
Chennai - 600 016.
- 2.The Appellate Authority cum District Collector,
Highways (LA),
Tiruvallur District.
- 3.The Competent Authority and
Special District Revenue Officer,
National Highways 205, Tiruvallur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 2nd respondent herein to consider the appeal of the petitioner dated 02.09.2011 filed before the 2nd respondent herein, under Section 3(G)(5) of the National Highways Act, 1956 and to conduct an enquiry in accordance with law, pursuant to the enquiry notice of the 2nd respondent dated 12.03.2012 in Na.Ka.No.21196/12/F3A (Arbitration).

For Petitioner : Mr.D.Rajagopal

For Respondents : Mrs.S.R.Sumathy for R1
Mr.D.Raja, Additional Government Pleader
for R2 and R3.

O R D E R

The writ petition has been filed seeking a direction to the 2nd respondent to dispose the petitioner's appeal filed under Section 3(G)(5) of the National Highways Act, 1956.

2. The grievance of the petitioner is that the petitioner's lands were sought to be acquired under the National Highways Act and an award was also been passed. Not satisfied with the award, the petitioner filed an appeal under Section 3(G)(5) of the National Highways Act, 1956 on 02.09.2011. Thereafter, an enquiry notice was issued by the 2nd respondent on 12.03.2012.

The said notice was received by the petitioner only subsequent to the date of enquiry and thereafter, nothing was done by the 2nd respondent. Hence, the present writ petition has been filed by the petitioner.

3. Earlier, notice was ordered to the 2nd respondent. Upon notice, today Mr.D.Raja, learned counsel appeared on behalf of the respondents and submitted that the appeal is still pending with the 2nd respondent, and the 2nd respondent will dispose the matter within time prescribed by this Court.

4. Considering the fact that the appeal is pending from the year 2011, the 2nd respondent is directed to consider the appeal and pass orders on merits and in accordance with law after issuing notice to the petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dsa

To

- 1.The Director,
National Highways Commission,
Chennai - 600 016.
- 2.The Appellate Authority cum District Collector,
Highways (LA),
Tiruvallur District.
- 3.The Competent Authority and
Special District Revenue Officer,
National Highways 205, Tiruvallur.

+1cc to Mr.S.R.Sumathy, Advocate, S.R.No.69302
+1cc to Mr.D.Rajagopal, Advocate, S.R.No.69217
+1cc to the Government Pleader, S.R.No.70167

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VD(CO)

rrs 30/11/2018