

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.19594 of 2018

R.Shanmugasundaram

...Petitioner

Vs.

1. The District Collector cum Arbitrator,
Namakkal District.
 2. The Competent Authority,
(NHAI) / District Revenue Officer,
NH-7 & 47,
Namakkal District.
- ...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 1st respondent in relation to the impugned proceedings in Na.Ka.7201/2010/Arbitration, dated 17.07.2018, quash the same and further direct the 1st respondent to hear the claim petitions preferred by the petitioner.

For petitioner : Mr.S.Senthil
For Respondents : Mr.D.Raja, AGP

ORDER

Mr.D.Raja, learned Additional Government Pleader takes notice on behalf of the respondents. By consent of the learned counsel appearing for the parties, the writ petition is taken up for final hearing.

2. The prayer sought for in the writ petition is for issuance of a writ of certiorarified mandamus to quash the impugned order of the first respondent dated 17.07.2018 and for a direction to the first respondent to consider the claim petition preferred by the petitioner.

3. The petitioner would claim that the second respondent acquired the lands of the petitioner in Survey Nos.22/2-44E and 22/2-44F in Andagalur Village in Rasipuram Taluk for the purpose of expansion of NH-7 and 47, but awarded only a meager amount. Hence, he gave a representation dated 02.07.2018 for re-determination of the compensation under Section 3(G)(5) of the National Highways Act.

4. The learned counsel for the petitioner submitted that the respondents rejected the representation on the only ground that it is barred by limitation. It is further submitted 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 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 VIII)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector cum Arbitrator,
Namakkal District.

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

+1cc to Mr.S.Senthil, Advocate, S.R.No.53518

+1cc to the Government Pleader, S.R.No.53996

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GSP(28/08/2018)

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