

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.10.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.Nos.26207 of 2018

Sampoornam

...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 to issue a Writ of Certiorarified Mandamus to call for the records of the first respondent in relation to the impugned proceedings in Na.Ka.4517/2012/Arbitration dated 10.09.2018, quash the same and further direct the first respondent to hear the claim petitions preferred by the petitioners.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.C.Thirumaran,
Special Government Pleader

O R D E R
सत्यमेव जयते

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials available on record.

2. This writ petition has been filed challenging the order of the first respondent dated 10.09.2018, rejecting the representation of the petitioner, seeking enhancement of compensation.

3.The petitioner submitted an application to the first respondent on 23.04.2018, under Section 3 G(5) of the National Highways Act (Hereafter called as Act) seeking enhancement of compensation for his lands acquired in Survey No.59/8, measuring

an extent of 111.0 sq.m. The respondent by the impugned order rejected the request of the petitioner on the ground that the application is barred by limitation. Now challenging the above order, the present writ petition has been filed.

4.The learned counsel for the petitioner would submit that the issue involved in this writ petition is squarely covered by a decision of the Division Bench of this Court, in W.A.No.308 of 2012, etc. batch, dated 25.04.2018. In which, the Division Bench of this Court held that the limitation Act has no application for the proceedings under Section 3 G (5) of the Act. Hence, the respondent cannot reject the application on the ground of limitation. The relevant portion of the Judgment of the Division Bench reads as follows:

" 34. We therefore make the position clear that the provisions of the Limitation Act and more particularly Article 137 would not apply to an application for reference to arbitration under Section 3G of the National Highway Act, 1956"

5.In view of the law laid down by the Division Bench, the respondent cannot reject the application on the ground of limitation.

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 first respondent is directed to initiate arbitration proceedings and pass suitable orders on merit and in accordance with law. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrp/mbi

To

1.The District Collector cum Arbitrator,
Namakkal District.

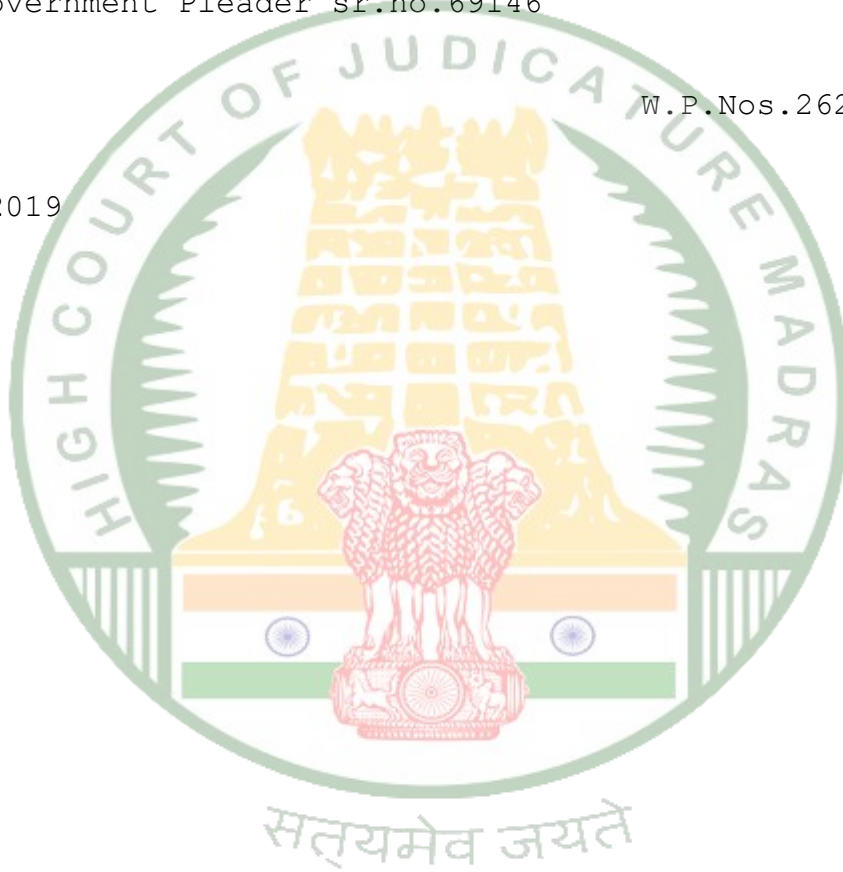
2.The Competent Authority,
(NHAI) / District Revenue Officer,
NH-7 & 47,
Namakkal District.

+lcc to Mr.S.Senthil, Advocate sr.no.69318

+lcc to Government Pleader sr.no.69146

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