



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 03.07.2018
CORAM:

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

WEB COPY

W.P(MD)No.14020 of 2018

Nachimuthu

... Petitioner

Vs.

1. The District Collector-cum-
Sole Arbitrator,
Under the National Highways
Authority of India Act,
Dindigul District.

2. The District Revenue Officer,
Dindigul.

3. The Divisional Engineer,
National Highways Division,
19A, Jawagar Street,
Madurai - 20.

4. The Project Director,
National Highways No.209 (Bypass),
National Highways Authority of India,
Near Collector Office,
Dindigul.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus to direct the first respondent to try and dispose of the arbitration proceedings in A.P.No.02/2015/NH 209 pending on its file in accordance with law by providing reasonable opportunity to both parties to lead oral and documentary evidence and by a judicial approach within a stipulated time.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.J.Padmavathi Devi
Special Government Pleader for R.1 & R.2

R.3 & R.4 - Dispensed with.

ORDER

Mr.J.Padmavathi Devi, learned Special Government Pleader takes notice for the respondents 1 and 2. In view of the relief sought for by the petitioner, notice to the respondents 3 and 4 is dispensed with.



2. By consent, the writ petition is taken up for final disposal.

3. Aggrieved over the award passed in Award No.1 of 2013, dated 30.12.2013, the petitioner raised an arbitration before the first respondent on 27.07.2015. Eversince 2015, it is pending without any disposal. The petitioner has approached the first respondent by his representation, dated 11.10.2017, pursuant to the enquiry notice dated 16.02.2016. However, a reply in Na.Ka.No.36066/09/E1, dated 23.10.2017, has been sent to the petitioner, but, no orders have been passed. Hence, the petitioner is before this Court.

4. In support of his contentions, the learned Counsel for the petitioner also relied on the judgment of this Court in A.Venkatachalapathy v. The Secretary, Ministry of Road Transport and Highways, New Delhi and others [W.P(MD)No.3832 of 2010, decided on 08.12.2011], wherein this Court has laid down certain criteria to be considered by the Arbitrator.

5. I have considered the rival contentions.

6. Considering the facts and circumstances of the case and without going into the merits of the petitioner's claim, a direction is issued to the first respondent to consider the case of the petitioner in A.P.No.02/2015/NH 209 and pass orders on merits and in accordance with law and also keeping in mind the judgment of this Court in A.Venkatachalapathy v. The Secretary, Ministry of Road Transport and Highways, New Delhi and others [W.P(MD)No.3832 of 2010, decided on 08.12.2011], after affording reasonable opportunity of personal hearing to all the parties concerned to let in oral and documentary evidence, within a period of four months from the date of receipt of a copy of this order. The petitioner is also directed to submit a copy of the aforesaid judgment of this Court to the first respondent forthwith.

7. Accordingly, this writ petition is disposed of as above. No costs.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar

To

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+1CC to the Special Government Pleader SR.No. 70989

W.P (MD) No.14020 of 2018
03.07.2018

RSB

ES/SKN/RSK/SAR 1/17.07.2018/3P/6C