



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE M. GOVINDARAJ

W.P (MD) No.14033 of 2018

Thangadurai

... 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 dispose of the arbitration proceedings in A.P.No.03/2015/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



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 28.07.2015. 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.03/2015/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(CS-II)

/True Copy/

Sub Assistant Registrar



To

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.

+1 CC to Mr.V.RAGHAVACHARI, Advocate in SR.No.71027
+1 CC to the Special Government Pleader, SR.No.70990

RSB

RJ/PN/SAR-1/13/07/2018 - 3P/7C

W.P (MD) No.14033 of 2018
03.07.2018