

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.03.2019

CORAM

THE HON'BLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No.6681 of 2019

CEC Flavours and Fragrances Pvt. Ltd.,
Formerly Known as Chemical
Engineering Corporation Private Limited,
Rep. by its Director A.Appa Rao,
2-33, Alamelumangapuram Road,
Ponpadi R.S.,
Thirutani Taluk,
Thiruvallore District - 631 213. ... Petitioner

Vs.

1. The District Collector of Thiruvallore,
The Arbitrator under the National Highways Act, 1956,
(Act 48 of 1956),
Thiruvallore,
Thiruvallore District.
2. The Competent Authority and
Special District Revenue Officer (L.A.),
National Highways 205,
Thiruvallore,
Thiruvallore District. ..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue WRIT OF MANDAMUS, directing the first respondent herein to decide and dispose the application filed for enhancement of compensation, under Section 3 G (5) of the National Highways Act, 1956 (Act 48 of 1956) taken on file by the first respondent in Na.Ka.No.21197-2011-F(Arbit) dated __/02/2012 (signed on 29.02.2012) with respect to the dry lands owned by the petitioner company to an extent of 10,550 Sq.M. situate in survey Nos: 78/1B, 78/3B, 80/1A and 1B, 80/1A2B and 80/1A3B in Alamelumangapuram Village, Thiruthani Taluk, Thiruvallore District, acquired under the National Highways Act, 1956 for extension of 4 lane road in National Highway 205.

For petitioner : Mr.S.Balasubramanian

For R1 & R2 : Mr.M.Elumalai
Government Advocate

O R D E R

The petitioner has filed the Writ Petition praying to issue a WRIT OF MANDAMUS, directing the first respondent herein to decide and dispose the application filed for enhancement of compensation, under Section 3 G (5) of the National Highways Act, 1956 (Act 48 of 1956) taken on file by the first respondent in Na.Ka.No.21197-2011-F(Arbit) dated __/02/2012 (signed on 29.02.2012) with respect to the dry lands owned by the petitioner company to an extent of 10,550 Sq.M. situate in survey Nos: 78/1B, 78/3B, 80/1A and 1B, 80/1A2B and 80/1A3B in Alamelumangapuram Village, Thiruthani Taluk, Thiruvallore District, acquired under the National Highways Act, 1956 for extension of 4 lane road in National Highway 205.

2.The learned counsel appearing for the petitioner submitted that the above said lands and other adjacent lands have been acquired under the National Highways Act, 1956, for the purpose of extension of four Lane Road in National Highway 205. The second respondent issued a notice on 31.05.2011 stating that the lands have been acquired under National Highways Act, 1956 and thus became the property of the Central Government and an amount of Rs.10,18,168/- have been fixed as compensation. The petitioner company has not received any notice of hearing from the second respondent. The notice was received only on 29.07.2011 by the company and as the compensation amount fixed by the second respondent was very low, the petitioner company filed an application under Section 3 G (5) of the National Highways Act, 1956 for the payment of proper and real compensation. The first respondent is the named Arbitrator, who has to decide the issue. A notice was issued by the first respondent and the petitioner company was not represented on that day and thereafter nothing has been heard from the first respondent, inspite of the representation on 24.09.2018 and repeated enquires, no order has been passed by the first respondent and so the petitioner's company filed this present writ petition before this Court.

3.The learned Government Advocate appearing for the respondents submitted a letter in Rc.No.159/2019, dated 14.03.2019 issued by the Special District Revenue Officer, National Highways, Tiruvallur, wherein he has stated that in this regard, the District Collector/District Election Officer has been Notified by the Election Commission of India as The Returning Officer of Tiruvallur Parliamentary Constituency for

General Elections to Lok Sabha 2019. Since the Election process has started, I request that this fact may be appraised to the Honourable High Court of Madras and to get long adjournment for filing Counter Affidavit in W.P.No.6681 of 2019.

4.By considering the rival submissions of the parties and by considering the request made by the petitioner to dispose the appeal for the limited scope this Court is inclined to direct the first respondent to consider the application dated 11.08.2011, on merits and in accordance with law, as expeditiously as possible, within a period of twelve weeks from the date of receipt of a copy of this order, after providing an opportunity to the parties concerned. It is make it clear that if any final order is passed, the same shall be communicated to the petitioner.

5.With the above observation, this Writ Petition stands disposed of. However, there shall be no order as to costs.
ah

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector of Thiruvallore,
The Arbitrator under the National Highways Act, 1956,
(Act 48 of 1956),
Thiruvallore,
Thiruvallore District.
2. The Competent Authority and
Special District Revenue Officer (L.A.),
National Highways 205,
Thiruvallore,
Thiruvallore District.

+1cc to Mr.S.Balasubramanian, Advocate, SR.No.24242/19
+1cc to the Govt.Pleader, Vide Sr.No.24733/19

W.P.No.6681 of 2019

Kak(28/06/2019)