

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.9622 of 2019

V.Mohan

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Petitioner

Vs.

1.The Arbitrator-cum-District
Collector,
Salem.

2.The Competent Authority-cum-Special
District Revenue Officer,
National Highway (Land Acquisition),
NH-7, 46 & 47 (Salem & Dharmapuri District),
Krishnagiri. Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the first respondent to dispose of the Arbitration Proceedings pending before the first respondent in Aa.Va.No.637/(RP) by considering the additional grounds dated 27.10.2017 filed before the first respondent within a stipulated period of time.

For Petitioner : Mr.R.Ezhilarasan

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

Mr.M.Elumalai, learned Government Advocate takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal.

2. The prayer in the Writ Petition is for issuance of Writ of Mandamus, directing the first respondent to dispose of the Arbitration Proceedings in Aa.Va.No.637/(RP), by considering the additional grounds raised by the petitioner, dated 27.10.2017,

within a time frame.

3. According to the petitioner, he filed an application on 06.01.2009 before the first respondent, seeking higher compensation under Section 3G(5) of the National Highways Act, 1956, for acquisition of his land and he had also sent reminder to the first respondent on 27.10.2017, for enquiry on the application along with an additional grounds. In response to the application filed by the petitioner, dated 06.01.2009, the first respondent issued summons to the petitioner to appear for enquiry on 03.11.2017 and on the said date, the petitioner appeared and thereafter there was no response. Hence, the petitioner is before this Court.

4. The learned counsel for the petitioner till date no final order has been passed on the application dated 06.01.2009 filed by the petitioner as well as the additional ground raised on 27.10.2017.

5. The learned Government Advocate would submit that if no order is passed, the application filed by the petitioner will be considered on merits and in accordance with law, within a time limit fixed by this Court.

6. In the light of the submissions and also considering the limited scope of prayer sought for in this writ petition, this Court, without going into merits of the case, directs the first respondent to consider the petitioner's application dated 06.01.2019 in Aa.Va.No.637/RP, by considering the additional grounds raised by the petitioner, dated 27.10.2017, and pass orders on merits and in accordance with law, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order, if no order is passed.

7. With the above direction, the Writ Petition is disposed of. There is no order as to costs.

सतरामेव जयते
s/d-

Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

r n s
To

1.The Arbitrator-cum-District
Collector,
Salem.

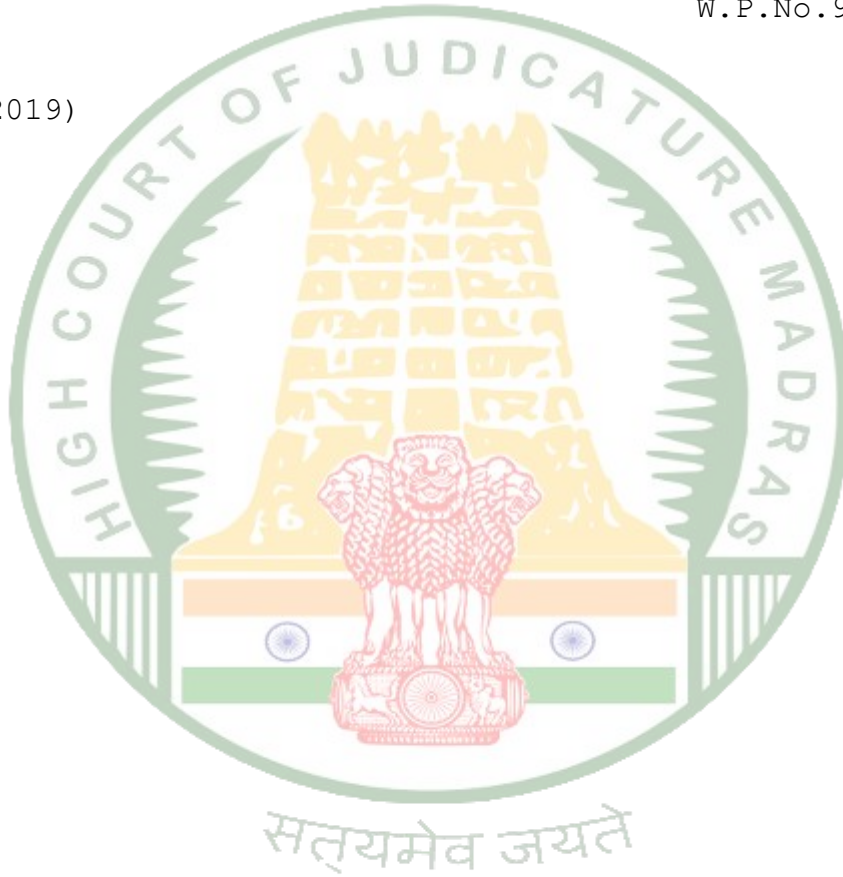
2.The Competent Authority-cum-Special
District Revenue Officer,
National Highway (Land Acquisition),
NH-7, 46 & 47 (Salem & Dharmapuri District),
Krishnagiri.

+1 CC to Govt. Pleader sr 31945.

+1 CC to Mr.R.Ezhilarasan, Advocate sr 30934.

W.P.No.9622 of 2019

RV (CO)
SP (06/05/2019)



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