

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 15.04.2019
CORAM
THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.11348 of 2019

1.A.Alamelu
2.Dr.A.Velayudhan
3.A.Ashok Kumar
4.A.Chenthamarai
5.A.Unnamalai

... Petitioners

Vs.

1.The District Collector
cum Arbitrator,
Tiruvallur District,
Tiruvallur.

2.The Special District Revenue Officer (LA),
National Highways 4 & 5 @ Kancheepuram,
Kancheepuram and Tiruvallur Districts,
at Kancheepuram.

3.The Project Director,
National Highways Authority of India,
Chennai - 600 032.

4.The Special Tahsildar (LA),
National Highways,
Tiruvallur District at Poonamallee.

... 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 take on file the Arbitration Petition dated 23.02.2018 filed by the petitioners under section 3G(5) of the National Highways Act, 1956 for enhanced compensation to the acquisition land of the petitioner and to pass an order of enhanced compensation along with the other statutory benefits.

For Petitioners : Mr.S.Umapathy

For Respondents : Mr.M.Elumalai
Government Advocate for R1, R2 & R4

Mr.Su.Srinivasan
Additional Solicitor General for R3

O R D E R

Mr.M.Elumalai, learned Government Advocate takes notice for the respondents 1, 2 & 4 and Mr.Su.Srinivasan, learned Additional Solicitor General takes notice for the third respondent. 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 take on file the Arbitration Petition filed by the petitioners, dated 23.02.2018 under section 3G(5) of the National Highways Act, 1956 for enhancement of compensation of the acquired land of the petitioners and to pass an order of enhanced compensation along with the other statutory benefits.

3. According to the petitioners, they filed an Arbitration Petition on 23.02.2018 to the first respondent under Section 3G(5) of the National Highways Act, 1956, seeking for enhancement of compensation. However, till date, the Arbitration Petition filed by the petitioners was not taken on file. Hence, the present Writ Petition.

4. The learned Government Advocate for the respondents 1, 2, & 4 submitted that though the said petition was filed by the petitioners beyond the period of limitation, the same will be considered by the first respondent within a time frame as fixed by this Court.

5. The learned Additional Solicitor General appearing for the third respondent submitted that the first respondent may be directed to consider and pass final orders only after providing opportunity to the third respondent.

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 the merits of the case, directs the first respondent to consider the Arbitration Petition filed by the petitioners dated 23.02.2018 and pass appropriate orders on merits and in accordance with law after providing opportunity to the third respondent, as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

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

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

r n s
To

- 1.The District Collector
cum Arbitrator,
Tiruvallur District,
Tiruvallur.
- 2.The Special District Revenue Officer (LA),
National Highways 4 & 5 @ Kancheepuram,
Kancheepuram and Tiruvallur Districts,
at Kancheepuram.
- 3.The Project Director,
National Highways Authority of India,
Chennai - 600 032.
- 4.The Special Tahsildar (LA),
National Highways,
Tiruvallur District at Poonamallee.

+2ccs to Mr.S.Umapathy , Advocate SR.No. 37139
+1cc to Mr.Su.Srinivasan , Advocate SR.No. 37618
+1 cc to Government Pleader Sr.No. 37721

A.SK(10/06/2019)

सत्यमेव जयते

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