



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2019

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.16100 of 2019

V.Anitha Kothari

... Petitioner

Versus

1.The District Collector,
Tiruvallur District,
Tiruvallur Taluk & District.

2.The Special District Revenue Officer(L.A.),
National Highways Scheme 205-Tiruvallur,
Tiruvallur District.

3.The Project Director,
National Highways Authority of India,
Chennai-32.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus directing the 1st respondent to dispose the Arbitration Petition dated 20.07.2016 filed by the petitioner under Section 3G(5) of the National Highways Act, 1956 for enhanced compensation to the acquired land of the petitioner in Survey No.138/9F to an extent of 189 Sq.Mts. Situated at No.75, Kakkalur Village, Tiruvallur Taluk & District within the time as stipulated.

For Petitioner : Mr.P.S.Kothandaraman

For R1 & R2 : Mr.D.Raja
Additional Government Pleader

For R3 : Mr.Su.Srinivasan

O R D E R

Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents 1 and 2. and Mr.Su.Srinivasan, learned counsel for the third respondent.

2. The case of the petitioner is that she is an erstwhile



owner of the land in Survey No.138/9F to an extent of 189 Sq.Mts. Situated at No.75, Kakkalur Village, Tiruvallur Taluk & District. The second respondent has acquired the said land under the National Highways Scheme for the formation of connecting Chennai - Tirupathy Highway. The award passed by the second respondent is meagre comparing to its potential market value. Hence, the petitioner has preferred the petition before the Arbitrator/the first respondent herein and the same was taken on file by the first respondent in ARB.No,107 of 2016. Though the petition seeking enhanced compensation was taken on file by the first respondent on earlier 2016, it has not been disposed of by the first respondent till date. Therefore, the present writ petition is filed seeking mandamus to direct the first respondent to dispose the arbitration petition of the petitioner herein filed on 20.07.2016 and pass orders within the specific time stipulated by this Court.

3. The learned Standing Counsel appearing for the third respondent would submit that, so far the first respondent has not issued any notice to them in the arbitration proceedings initiated by the writ petitioner herein.

4. In such case, the first respondent hereby is directed to cause notice to the third respondent in the arbitration proceedings No.107/2016 within four weeks from today and after hearing both the parties, he shall pass the award within a period of four months from completion of proceedings.

5. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

rpl

To

- 1.The District Collector,
Tiruvallur District,
Tiruvallur Taluk & District.
- 2.The Special District Revenue Officer(L.A.),
National Highways Scheme 205-Tiruvallur,
Tiruvallur District.



3.The Project Director,
National Highways Authority of India,
Chennai-32.

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+1cc to Mr.P.S.Kothandaraman, Advocate, S.R.No. 56021

W.P.No.16100 of 2019

MP (CO)
GN (21/08/2019)