



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.(MD)No.15825 of 2019

M.B.M.Kanna @ Kannan

...Petitioner

-Vs-

1.The Union of India,
Rep., by its Director,
Ministry of Road Transport and Highways,
(Department of Road Transport and Highways),
New Delhi.

2.The District Collector/Arbitrator,
Under the National Highways Act,
Theni District, Theni.

...Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to dispose of the petitioner's representation dated 06.06.2019 under Section 3G (5) of the National Highways Act, 1956, for determination of compensation.

For Petitioner : Mr.Meenakshi Sundaram
For Respondents : Mr.R.Rajaraman (for R1)
Senior Panel Counsel
Mrs.Vaishnavi (for R2)
Government Advocate

ORDER

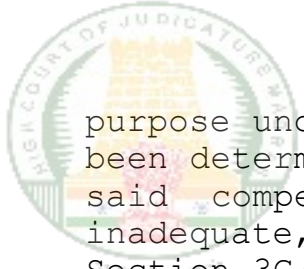
The prayer in this writ petition is for a Writ of Mandamus, to direct the second respondent to dispose of the petitioner's representation dated 06.06.2018 under Section 3G (5) of the National Highways Act, 1956, for determination of compensation.

2.Heard Mr.Meenakshi Sundaram, learned counsel appearing for the petitioner, Mr.R.Rajaraman, learned Senior Panel Counsel appearing for the first respondent and Mrs.Vaishnavi, learned Government Advocate appearing for the second respondent.

3.By consent of both sides, this writ petition is taken up for final disposal at the admissions stage itself.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The petitioner's land has been acquired for the public



purpose under the National Highways Act, for which, compensation has been determined by the competent authority. Felt aggrieved over the said compensation, as, according to the petitioner, that was inadequate, the petitioner filed an Arbitration Petition under Section 3G(5) of the National Highways Act, on 06.06.2019 before the second respondent and the same is pending under consideration before the second respondent, therefore, the petitioner has approached this Court with the aforesaid prayer.

5. Heard Mrs. Vaishnavi, learned Government Advocate appearing for the second respondent, who would submit that, the said petition, dated 06.06.2018, would be decided by the District Collector i.e., the second respondent as an Arbitrator under Section 3G(5) of the National Highways Act, after hearing the petitioner and orders to that effect would be passed, within a time frame to be stipulated by this Court.

6. Considering the limited scope of the prayer sought for in this writ petition, this Court is inclined to dispose of this writ petition with the following directions:-

"that the second respondent is hereby directed to decide the appeal i.e., the Arbitration Petition, dated 06.06.2018, filed by the petitioner, after hearing the petitioner on merits and in accordance with law and final order shall be passed, within a period of eight weeks from the date of receipt of a copy of this order."

No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

rmk

To

1. The Director,
Union of India,
Ministry of Road Transport and Highways,
(Department of Road Transport and Highways),
New Delhi.

2. The District Collector/Arbitrator,
Under the National Highways Act,
Theni District, Theni.



+1 CC to M/s.R.MEENAKSHI SUNDARAM, Advocate (SR-75567[F] dated 16/07/2019)

+1 CC to M/s.R.RAJARAMAN, Advocate (SR-75532[F] dated 16/07/2019)

+1 CC to M/s.SPL GP (SR-75687[F] dated 17/07/2019)

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Order made in
W.P. (MD) No.15825 of 2019
16.07.2019

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