



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2019

CORAM:

THE HONOURABLE Mr.JUSTICE R.SURESH KUMAR

W.P. (MD)No.17721 of 2019

WEB COPY

P.Selvaraj

... Petitioner

Vs.

1.The District Collector and National Highways,
Land Acquisition Arbitrator,
District Collector Office,
Thanjavur.

2.The Special District Revenue Officer (Land Acquisition),
National Highways,
Thanjavur Division,
No.45 C, Vikravandi,
Kumbakonam,
Tirunelveli.

... Respondents

Prayer: The petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to dispose of the petitioner's appeal dated 03.06.2019 preferred against the Award No.17/2018 in Na.Ka.No.253/2018/Aa /The.Ne/Tiruvarur, dated 30.11.2018 on merits within a stipulated time.

For Petitioner : Mr.G.Jeremiah

For Respondents : Mr.M.Rajendran, G.A.

O R D E R

The prayer sought for in the Writ petition is for a Writ of Mandamus, directing the first respondent to dispose of the petitioner's appeal dated 03.06.2019 preferred against the Award No.17/2018 in Na.Ka.No.253/ 2018/Aa /The.Ne/Tiruvarur, dated 30.11.2018 on merits within a stipulated time.

2.Heard Mr.G.Jeremiah, learned counsel for the petitioner and Mr.M.Rajendran, learned Government Advocate appearing for the respondents.

3.The petitioner's land in Survey No.187/5B1 to an extent of 346 sq.ft. bearing Door No.3/1126/1 at Chennai Bypass, Valayapettai, Kumbakonam, seems to have been acquired by the



respondents under the National Highways Act for the purpose of laying a road. In view of the said acquisition, compensation has been determined and awarded. Aggrieved over the said compensation fixed by the authorities concerned, the petitioner has preferred an appeal on 03.06.2019 to the first respondent, who is the Arbitrator, within the meaning of Section 3G(v) of the National Highways Act and therefore, the learned counsel appearing for the petitioner submits that if the said appeal ie., Arbitration Petition filed under Section 3G(v) of the National Highways Act is decided by the first respondent, within a time frame to be stipulated by this Court, the petitioner would be satisfied.

4.I have heard the learned Government Advocate appearing for the respondents, who would submit that the said appeal / Arbitration petition pending before the first respondent would be decided by the said authority on merits and in accordance with law, within a time frame to be stipulated by this Court. The learned Government Advocate also submits that while deciding the preliminary issue, the issue with regard to the limitation, if any, also would be decided by the first respondent.

5.Having regard to the said submission made by both sides, this Court is inclined to dispose of this Writ petition at the admission stage with the consent of both sides with the following direction:

That the first respondent is hereby directed to consider the appeal / Arbitration petition dated 03.06.2019, filed under Section 3G(v) of the National Highways Act and decide the same on merits and in accordance with law, after giving an opportunity of being heard to the petitioner, within a period of 8 weeks from the date of receipt of a copy of this order. It is made clear that while deciding the same, if the first respondent feels any issue with regard to the limitation to be decided, the same shall also be decided as a preliminary issue.

6.With this direction this Writ petition is disposed of. No costs.

Sd/-

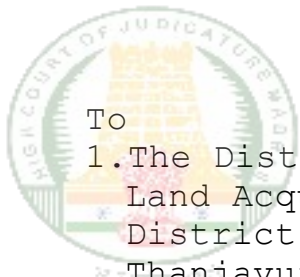
Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)

nbj

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



To

1.The District Collector and National Highways,
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District Collector Office,
Thanjavur.

WEB COPY

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+1 CC to M/s.G.JEREMIAH, Advocate (SR-81364[F] dated 13/08/2019)

+1 CC to M/s.SPL GP (SR-81816[F] dated 14/08/2019)

W.P. (MD)No.17721 of 2019
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