

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 01.10.2020
CORAM
THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH
W.P.No.12894 of 2020

R.Srinivasan

... Petitioner

Vs.

1. Union of India
Rep. By Secretary,
National Highways Department,
G 5&6, Sector-10, Dwarka,
New Delhi.
2. National Highways Authority of India,
Rep. By its Project Director,
In charge of NH 45,
Dindivanam,
Moovendar Nagar,
Villupuram District,
Villupuram.
3. The District Collector,
Villupuram Collectorate,
Villupuram.
4. The Competent Authority (Land Acquisition)
The Special District Revenue Officer,
(Land Acquisition National Highways)
NH-45, Dindivanam Bye Pass,
Villupuram Collectorate,
Collector office Road,
Moovendar Nagar,
Villupuram District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the third respondent to dispose the petitioner's Arbitration application filed under Section 3G(5) of National Highways Act 1956 as amended dated 17.12.2019 pertaining to the petitioner's land situated at Survey no.11/1A and 11/2A measuring an extent of 10980 sq.mtr. And 315 sq.mtr, in all measuring 11295 sq.mtrs at Kidangal Village, Dindivanam, Villupuram District.

For Petitioners : Mr.David Tyagaraj

For Respondents : Mr.G.Karthikeyan
- R1

Assistant Solicitor General of India
Mr. Su.Srinivasan,
Standing counsel - R2
Mr.D.Raja- R3 and R4
Special Government Pleader

O R D E R

This writ petition has been filed for the issue of a Writ of Mandamus directing the third respondent to pass final orders on the application filed by the petitioner under Section 3G(5) of the National Highways Act, 1956, within the time frame fixed by this Court.

2. The case of the petitioner is that his lands were acquired by the National Highways in the year 2004 and the 4th respondent passed an order fixing the compensation under Section 3G(1) of the National Highways Act. The petitioner approached the 4th respondent with a request to re-work the compensation and the same was rejected. The petitioner, therefore, filed a writ petition before this Court in W.P.No.2660 of 2018. This Court disposed of the writ petition by an order dated 15.02.2018 and directed the petitioner to file a fresh representation before the 4th respondent and the 4th respondent was also further directed to dispose it of within the time frame fixed by this Court. Accordingly, the petitioner made a fresh representation before the 4th respondent.

3. The 4th respondent again passed an order dated 04.12.2018 and the petitioner was aggrieved by the same on the ground that it did not carry the interest for solatium and also the award amount was contrary to law and hence, writ petition was filed in W.P.No.28862 of 2019. This Court disposed of the writ petition by an order dated 01.10.2019 by giving liberty to the petitioner to make a representation before the third respondent within a period of four weeks and the third respondent was also further directed to dispose of the proceedings within a period of six months.

4. The grievance of the petitioner is that pursuant to the orders passed by this Court, the application was submitted by the petitioner before the third respondent on 17.12.2019 and till date, the third respondent has not passed any final order.

Left with no other alternative option, the present writ petition has been filed before this Court.

5. Heard Mr.David Tyagaraj, learned counsel for the petitioner, G.Karthikeyan, Assistant Solicitor General appearing on behalf of the first respondent, Mr.Su.Srinivasan, Standing counsel, appearing for the second respondent and Mr.D.Raja, learned Special Government Pleader, appearing on behalf of the respondents 3 & 4.

6. This Court had already issued a direction to the third respondent to complete the enquiry and dispose of the application within a period of six months. The third respondent was not able to dispose of the application probably due to intervening pandemic situation. Therefore, there is a justifiable reason as to why the third respondent was not able to comply with the earlier direction issued by this Court.

7. Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the third respondent to dispose of the application submitted by the petitioner on 17.12.2019, after affording opportunity to the petitioner and the National Highways Authority, within a period of three months from the date of receipt of a copy of this order. The petitioner is directed to make a fresh representation to the third respondent along with all relevant documents and a copy of this order.

8. This Writ Petition is disposed of with the above directions. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

rli
To

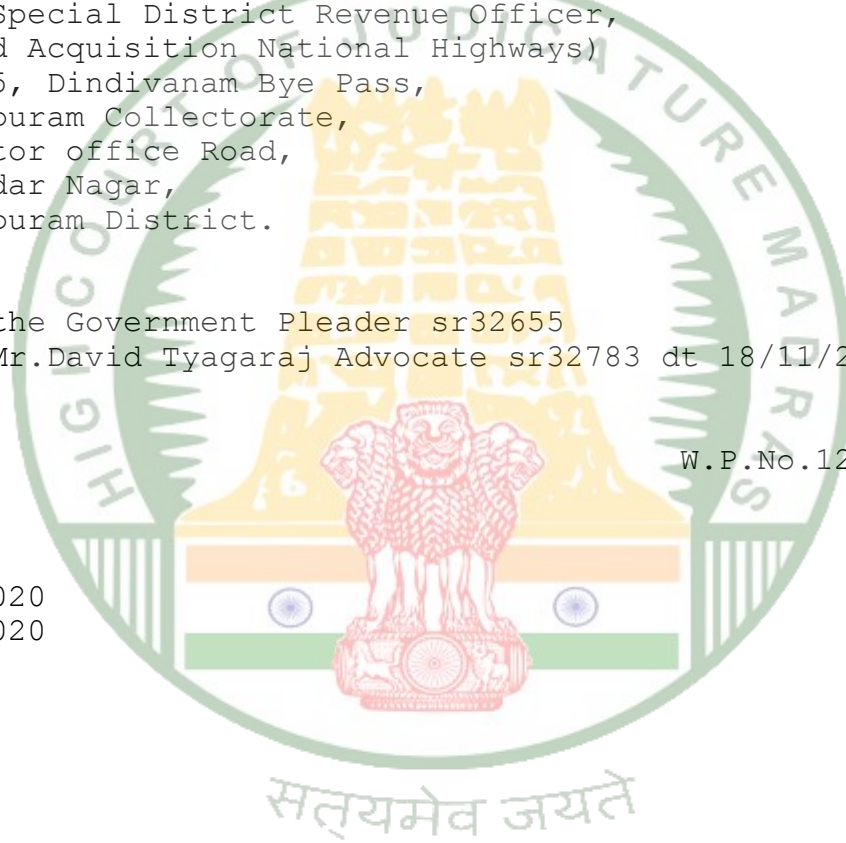
1. Union of India
Rep. By Secretary,
National Highways Department,
G 5&6, Sector-10, Dwarka,
New Delhi.

2. National Highways Authority of India,
Rep. By its Project Director,
In charge of NH 45,
Dindivanam,
Moovendar Nagar,
Villupuram District,
Villupuram.
3. The District Collector,
Villupuram Collectorate,
Villupuram.
4. The Competent Authority (Land Acquisition)
The Special District Revenue Officer,
(Land Acquisition National Highways)
NH-45, Dindivanam Bye Pass,
Villupuram Collectorate,
Collector office Road,
Moovendar Nagar,
Villupuram District.

+1 cc to the Government Pleader sr32655
+2 cc to Mr.David Tyagaraj Advocate sr32783 dt 18/11/2020

W.P.No.12894 of 2020

pa(co)
aa29/10/2020
aa18/11/2020



WEB COPY