

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 01.04.2021

CORAM:

THE HONOURABLE MRS. JUSTICE **V.BHAVANI SUBBAROYAN**

C.R.P. (PD) No.768 of 2021

M.Dhararathan

...Petitioner

Vs

1.Union of India

Rep.by its Secretary
Road Transport & Highways Department,
New Delhi-110 001.

2.The Arbitrator- Senior District Collector,
Tiruvallur District,
Tiruvallur-602 001.

...Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India to direct the learned Principal District Judge, Tiruvallur to hear and dispose the Arbitration O.P.No.84 of 2012.

For Petitioners : Mr.R.Malaichamy

ORDER

The limited prayer sought for in the present petition is to direct the learned Principal District Judge, Tiruvallur to hear and dispose the Arbitration O.P.No.84 of 2012.

2. The petitioner herein had filed the O.P.No.84 of 2012, seeking to set aside the award of the second respondent made on 08.03.2008, which was received by the petitioner's Advocate on 23.03.2008, and to fix compensation for schedule of property at Rs.2,00,000/- per cent with interest at 18% P.A., with usual benefits under the Land Acquisition Act.

3. The learned counsel for the petitioner would submit the petitioner is the absolute owner of the subject land in Varadharajapuram village at Poonamallee Taluk, Tiruvallur District. Further, it is submitted that the subject lands were acquired by the competent authorities, by an order dated 24.06.2004, for the purpose of widening the NH-4. The Competent Authority has fixed the market rate on their own, without consideration of the documents produced. Further, the learned counsel would state that due to the acquisition of subject land, the petitioner was forced to close the business, in which he was engaged. The petitioner made a representation dated 30.05.2006 to the second respondent to enhance the compensation amount. Since there was no reply, W.P.No.24707 of 2006 was filed before this Court and the same was disposed of by an order dated 04.08.2006, with directions to the second

respondent to dispose of his representation dated 30.05.2006. The second respondent, vide reply dated 03.11.2006, called the petitioner to attend inquiry with regard to enhancement of compensation and by common order dated 08.03.2008, confirmed the award passed by the DRO, Tiruvallaur. Aggrieved by the order dated 08.03.2008, the petitioner filed O.P.No.84 of 2012, which is pending for the past 8 years. Hence, the learned counsel for the petitioner prays this Court to direct the Principal District Judge, Tiruvallur to dispose O.P.No.84 of 2012 within a stipulated time.

4. Heard the learned counsel for the petitioner and perused the materials available on record.

5. It is seen that the petitioner is a deaf person and aged about 65 years old. The Arbitration O.P.No.84 of 2012 has been filed in the year 2012 and the same has been kept pending for the past 8 years. The petitioner made a representation dated 30.05.2006 to the second respondent to enhance the compensation amount. Since there was no reply, W.P.No.24707 of 2006 was filed before this Court and the same

was disposed of by an order dated 04.08.2006 with directions to the second respondent to dispose of his representation dated 30.05.2006. The second respondent, vide reply dated 03.11.2006 called the petitioner to attend inquiry with regard to enhancement of compensation and by common order dated 08.03.2008, confirmed the award passed by the DRO, Tiruvallaur. Now, this Court is inclined to direct the Court below to consider the O.P.No.84 of 2012.

6. In view of the present stage of O.P.No.84 of 2012 and also taking into account that the proceeding was originally initiated in the year 2012, it would be appropriate to direct the Principal District Judge at Tiruvallur to consider and dispose of the proceedings in O.P.No.84 of 2012, within a period of six months from the date of receipt of copy of this order.

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7. Accordingly, the Civil Revision Petition stands disposed of. No costs.

01.04.2021

Index: Yes/No
Speaking order/Non-Speaking Order
sbn

To

The Principal District Judge,
Tiruvallur.



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V.BHAVANI SUBBAROYAN, J.

sbn



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