

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.2513 of 2021

R.Natarajan

... Petitioner

Vs

1.The District Collector cum Arbitrator
Under the National Highways Act
Collectorate
Salem.

2.The Competent Authority &
Special District Revenue Officer (L.A)
National Highways 68,
3D/8, Ram Nagar, Swarnapuri 2nd Gate
Salem
Salem District.

3.National Highways Authority of India
Rep. by its Project Director
Project Implementation Unit
Sri Nagar Colony
Narasohipatti
Salem – 636 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Mandamus to direct the first respondent to
conduct an enquiry for re-determination of compensation under Section

3(G)(5) of the National Highways Act, 1956 in the light of the judgment passed by the Hon'ble Supreme Court in the case of ***Union of India Vs. Tarsem Singh and others***, reported in [(2019) 9 SCC 304] and grant the solatium and interest within a stipulated time.

For Petitioner : Mr.K.Muthukumar
for M/s.Paul & Paul

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

Mr.Su.Srinivasan [R3]

ORDER

The petitioner has challenged the award passed under Section 3(G)(5) of the National Highways Act, 1956 before the Statutory Arbitrator cum the District Collector, Salem, the first respondent herein. The said proceeding is pending consideration by the Arbitrator since 2011.

2. The only prayer of the petitioner is that he be awarded solatium and interest on solatium etc., in view of the declaration by the Hon'ble Supreme Court that Section 3J of the National Highways Act, 1956 is unconstitutional. He also relied on the authorities ***Indore Development Authority Vs. Manoharlal and others*** [(2020) 8 SCC 129]; ***Union of***

India and another Vs. Tarsem Singh and others [(2019) 9 SCC 304];
Sunita Mehra and another Vs. Union of India and others [(2019) 17
SCC 672] and *T.Chakrapani and others Vs. Union of India* [(2011) 7
MLJ 858].

3. Heard Mr.D.Raja, learned Additional Government Pleader for the respondents.

4. This Court informs the Arbitrator that the matter is still pending adjudication by him and no finality has yet been arrived at, and in this circumstances, it will be only appropriate for the District Collector not to ignore the authoritative pronouncement of the Hon'ble Supreme Court. The District Collector cum Statutory Arbitrator, Salem / first respondent is now required to dispose of the arbitral proceedings pending before him by applying his mind to every evidenciary aspects and legal aspects involved in the matter, within a period of 12 weeks from the date of service of order copy, subject to such time that may be lost in responsibilities connected with the ensuing General Election of the Tamil Nadu State Legislative Assembly, 2021.

5. This writ petition is disposed of accordingly. No costs.

25.02.2021

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Index : Yes / No

Internet : Yes / No

Speaking Order / Non-speaking Order

Note: Issue copy on 26.02.2021

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N.SESHASAYEE.J.,

ds



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