

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM: JUSTICE N.SESHASAYEE

W.P.No.6426 of 2021 and
W.M.P.No.7014 of 2021

1.S.Puhazhenth
2.K.Ganesamoorthy
3.C.Chandrasekaran
4.K.Kandasamy
5.R.Muthuvelu

...Petitioners

-Vs-

1.The District Collector / Arbitrator,
Cuddalore District, Cuddalore.

2.The Special District Revenue Officer /
Competent Authority, (Land Acquisition), NH-227,
Cuddalore, Cuddalore District.

3.The Project Manager,
National Highways Authority of India Ltd., (NH-227),
Vazhudhareddi Road,
Villupuram, Villupuram District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to forbear the respondents from laying/widening the road NH-227 on the petitioners land situated in R.S.Nos.93/16B, 134/2B3, 135/2B and 135/8B, Mannargudi Village, RajendrachoZHagan Post - 608 301, Kattumannarkoil Taluk, Cuddalore District and R.S.No.94/4C, Mannargudi Village, Kattumannarkoil Taluk, Cuddalore District and R.S.Nos.132/1B, 132/3B and 133/2C, Mannargudi Village, RajendrachoZHagan Post - 608 301, Kattumannarkoil Taluk, Cuddalore District and R.S.No.94/4C, Mannargudi Village, Kattumannarkoil Taluk, Cuddalore District and R.S.No.119/6C, Mannargudi Village, Kattumannarkoil Taluk, Cuddalore District respectively unless the compensation to be fixed on the Statutory Appeals filed by the petitioners before the first respondent under Sec.3-G(5) of National Highways Act.

For Petitioners : Mr.C.Prakasam

For Respondents : Mr.D.Raja, AGP for RR1 & 2
Mr.Su.Srinivasan, for R3

ORDER

This Writ Petition is filed for a Mandamus, to forbear the respondents from laying/widening the road NH-227 on the petitioners land situated in R.S.Nos.93/16B, 134/2B3, 135/2B and 135/8B, Mannargudi Village, RajendrachoZHagan Post - 608 301, Kattumannarkoil Taluk, Cuddalore District and R.S.No.94/4C, Mannargudi Village, Kattumannarkoil Taluk, Cuddalore District and R.S.Nos.132/1B, 132/3B and 133/2C, Mannargudi Village, RajendrachoZHagan Post - 608 301, Kattumannarkoil Taluk, Cuddalore District and R.S.No.94/4C, Mannargudi Village, Kattumannarkoil Taluk, Cuddalore District and R.S.No.119/6C, Mannargudi Village, Kattumannarkoil Taluk, Cuddalore District respectively unless the compensation to be fixed on the Statutory Appeals filed by the petitioners before the first respondent under Sec.3-G(5) of National Highways Act.

2.1 The petitioners have preferred an arbitral proceedings before the District Collector/Arbitrator, Cuddalore District, challenging the award passed by the second respondent. This proceedings is pending since 04.02.2019.

2.2 The learned counsel for the petitioners state that he did not go for contempt because they were afraid that the statutory arbitrator might take a negative view about their cause and hence came up with a fresh petition. So much about the trust the citizen has about the neutrality and fairness of the administrators.

3. Heard Mr.D.Raja, learned Additional Government Pleader for the respondents 1 and 2 and Mr.Su.Srinivasan, learned counsel for the third respondent.

4. Mr.D.Raja, learned Additional Government Pleader submitted that the first respondent is the District Election Officer and he is now engaged in election related responsibilities and he submitted that some accommodation may be given to the first respondent to conduct the arbitral proceedings on conclusion of the General Elections, 2021. The said statement of the Additional Government Pleader is recorded.

5. Given the apprehension the petitioners have expressed, this Court expects the District Collector to be absolutely fair in the petitioner's cause, and decide the issue uninfluenced, by the apprehensions expressed at the Bar.

6. This petition is allowed with a direction to the District Collector/Arbitrator to fix a date for enquiry some time in the second week of June, 2021, by issuing notice to all the parties who are likely to be affected by his decision and provide them a fair and effective hearing and dispose of the same, within a period of sixteen weeks from the date of the

enquiry. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

gsk
To

- 1.The District Collector / Arbitrator,
Cuddalore District, Cuddalore.
- 2.The Special District Revenue Officer /
Competent Authority, (Land Acquisition), NH-227,
Cuddalore, Cuddalore District.
- 3.The Project Manager,
National Highways Authority of India Ltd., (NH-227),
Vazhudhareddi Road,
Villupuram, Villupuram District.

+1cc to Mr.C.Prakasam, Advocate SR.No. 17772
+1 cc to Government Pleader Sr.No. 16717

W.P.No.6426 of 2021 and
W.M.P.No.7014 of 2021

GMI (CO)
A.SK(09.07.2021)

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