

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2021

CORAM:

THE HON'BLE MR.JUSTICE N.SESHASAYEE

W.P.No.6159 of 2021

A.Rajangam

...Petitioner

-Vs-

1.The District Collector,
Collectorate,
Nagapattinam.

2.The District Collector,
Collectorate,
Mayiladuthurai.

3.National Highways Authority of India,
Rep by Project Director,
Villupuram.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first and second respondents to pass orders under Section 3G(5) of the Highways Act, 1956, on the objections dated 09.03.2020 and 01.12.2020 submitted by the petitioner seeking enhancement of compensation determined in the award dated 16.05.2019, after hearing the petitioner.

For Petitioner : Mr.A.Yogeshwaran

For Respondents : Mr.D.Raja, AGP for R1 & R2
Mr.Su.Srinivasan for R3

ORDER

This Writ Petition is filed for a Mandamus to direct the first and second respondents to pass orders under Section 3G(5) of the Highways Act, 1956, on the objections dated 09.03.2020 and 01.12.2020 submitted by the petitioner seeking enhancement of compensation determined in the award dated 16.05.2019, after hearing the petitioner.

2. The petitioner's property in S.Nos.85/1A1,147/2B, 239B in Kathiruppu Village in Sirkazhi Taluk, Nagapattinam District, had been acquired. An award has been passed by the Land Acquisition Authority. Dissatisfied with the same, the petitioner has invoked arbitral jurisdiction under Section 3G(5) of the National Highways Act, 1956 and the arbitral

proceedings is pending before the District Collector / Statutory Arbitrator who is the first respondent herein.

3. Heard Mr.D.Raja, learned Additional Government Pleader for the respondents 1 and 2. Mrs.S.R.Sumathy, learned counsel for R3.

4. Mr.D.Raja, learned Additional Government Pleader submitted that the property falls within the jurisdiction of the first respondent and made a statement on instructions that the first respondent would fix a date for arbitral proceedings immediately on conclusion of the General Elections, 2021, for the State Legislative Assembly.

5. Mrs.S.R.Sumathy, learned counsel for the third respondent would submit that the acquired property would fall within the jurisdiction of the newly formed Mayiladuthurai District, for which, no Arbitrator has been notified by the National Highways Authority.

6. This Court perused the affidavit and desires to act on the statement of the learned Additional Government Pleader for the respondents 1 and 2. This Court accordingly direct,

(a) the first respondent / District Collector -Statutory Arbitrator to fix a date for enquiry during the first 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 arbitral proceedings initiated at the instance of the present petitioner, within a period of 12 weeks from the date of receipt of a copy of this order.

(b) If however the first respondent finds that he does not have territorial jurisdiction to adjudicate on the arbitral proceedings, he may make it over to the second respondent forthwith, and issue notice of such transfer to the petitioner.

(c) The second respondent, in the eventuality of the first respondent resorting to anything as stated in (b) above, the second respondent shall forthwith fix a date for enquiry immediately once the notification of appointing the Arbitrator is made.

(d) The third respondent is now directed to notify Arbitrator within a period of eight weeks from today.

7. Accordingly, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

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

Sub Assistant Registrar

gsk

To

1.The District Collector,
Collectorate,
Nagapattinam.

2.The District Collector,
Collectorate,
Mayiladuthurai.

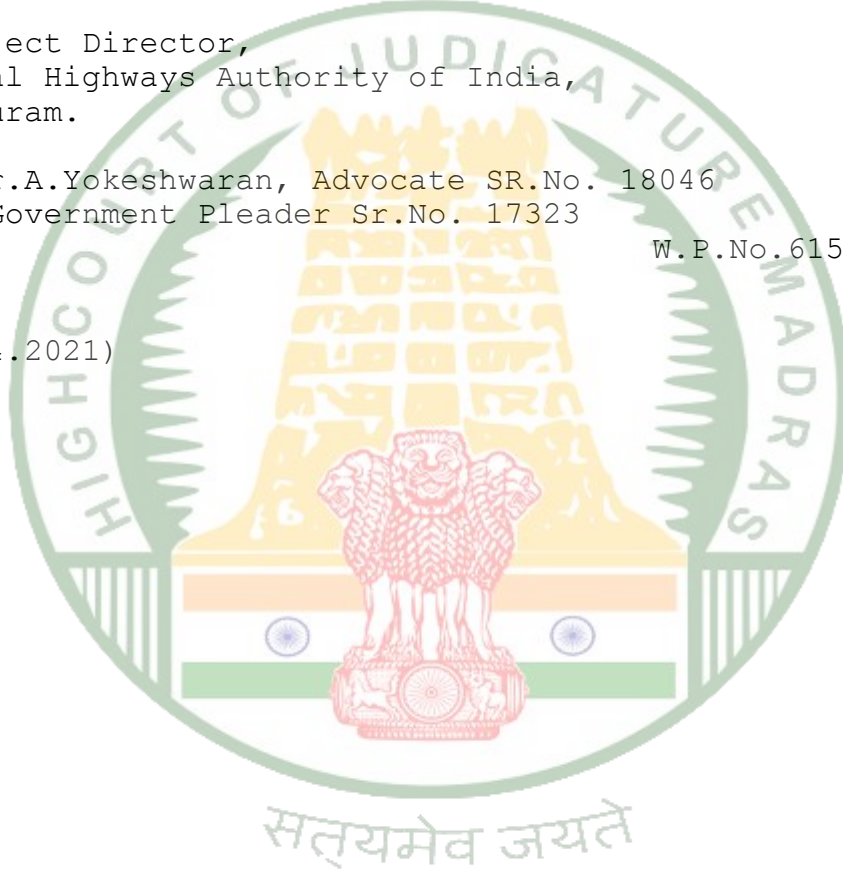
3.The Project Director,
National Highways Authority of India,
Villupuram.

+1cc to Mr.A.Yokeshwaran, Advocate SR.No. 18046

+1 cc to Government Pleader Sr.No. 17323

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pmk co
A.SK(09.04.2021)



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