



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.07.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.6888 of 2021

S.Pushpanathan

...Petitioner

Versus

1.The District Collector,
Salem District,
Collectorate, Salem.

2.The Competent Authority and
Special District Revenue Officer (LA),
N.H.7, 46 & 47 Salem-Krishnagiri Districts @
Krishnagiri,
No.443, Bengaluru Road,
Ex. Servicemen Welfare Board Building,
1st Floor, Krishnagiri 635 001.

3.The Secretary,
Ministry of Road Transport and Highways Department,
No.1, Parliament Street, New Delhi.

[3rd respondent is impleaded as per order of this court
dated 18.03.2021 made in W.P.No.6888 of 2021]

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st respondent to conduct an enquiry and pass orders on the claim petition or the petitioner in Arbitration Case No.1052/14/B2/2014 for enhancement of compensation under Section 3(G)(5) of the National Highways Act, 1956 and pass orders on the claim of the petitioner on merits and in accordance with law.

For Petitioner : Ms.Reshmi Christy

For Respondent(s) : Mr.Yogesh Kannadasan,
Government Advocate for RR1 and 2
Mr.S.N.Parthasarathy for R3



ORDER

[This matter has been heard through video conference]

WEB COPY

This writ petition has been filed seeking a direction to the 1st respondent to conduct an enquiry in Arbitration Case No.1052/14/B2/2014 for enhancement of compensation under Section 3(G) (5) of the National Highways Act, 1956 and pass orders on the claim of the petitioner on merits and in accordance with law.

2. The case of the petitioner is that as against the award passed by the 2nd respondent in a land acquisition proceedings, she has initiated an arbitral proceedings under Section 3-G(5) of the National Highways Act before the 1st respondent as early as on 23.08.2013 which was also taken on file in Arbitration Case No.1052/14/B2. Since 2013 there was no progress in the arbitration case despite several representations from the petitioner. Hence, the present writ petition.

3. Heard the learned counsel for the petitioner; the learned Government Advocate appearing for the respondents 1 and 2 and the learned standing counsel appearing for the 3rd respondent and also perused the records carefully.

4. The learned counsel appearing for the petitioner submitted that the since the arbitration proceedings is pending from 2013, the petitioner would be satisfied, if a suitable direction is issued to the petitioner to conclude the arbitration proceeding within a reasonable time frame.

5. The learned Government Advocate appearing for the respondent, on instructions, submitted that the arbitration cases are being taken up by the 1st respondent on seniority basis and the petitioner's case would be taken up for hearing by the 1st respondent based on seniority.

6. Considering the limited nature of the relief sought for in the writ petition and the submissions made on either side and also on considering the fact that the arbitration proceedings is pending from the year 2013, without expressing anything on the merits of the claim of the petitioner, this court directs the 1st respondent to conclude the Arbitration Case No.1052/14/B2 after hearing the petitioner as well as the land acquisition officer and the requisitioning body and pass appropriate orders thereon on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.



This writ petition is disposed of accordingly with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

kmk

To

- 1.The District Collector,
Salem District,
Collectorate, Salem.
- 2.The Competent Authority and
Special District Revenue Officer (LA),
N.H.7, 46 & 47 Salem-Krishnagiri Districts @ Krishnagiri,
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Ex. Servicemen Welfare Board Building,
1st Floor, Krishnagiri 635 001.
- 3.The Secretary,
Ministry of Road Transport and Highways Department,
No.1, Parliament Street, New Delhi.

+1cc to Mr.K.V.Sajeev Kumar, Advocate, S.R.No.31158

+1cc to the Government Pleader, S.R.No.31180

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BS(CO)
RVM(30/07/2021)