

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.05.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.Nos.11668 and 11670 of 2021

A. Kamalajothy ... Petitioner in
both the writ petitions

Vs

1. The District Collector-cum-Arbitrator
Villupuram District
Villupuram.
2. The National Highways Authority of India
Rep. by its Project Director,
Villupuram. ... Respondents in
both the writ
petitions.
(R2 suo motu impleaded as per
the order of this Court, dated 06.05.2021)

Prayer in W.P.Nos.11668 and 11670 of 2021 : Writ Petitions
filed under Article 226 of the Constitution of India praying
for the issuance of a Writ of Mandamus, directing the
respondents to consider and dispose of the petitioners Appeals
dated 09.10.2017 and 15.06.2018, respectively on merits and in
accordance with law.

For Petitioner : Mr.D.Senthil Kumaar

For Respondents : Mr.M.Elumalai
Additional Government Pleader for R1

Mrs.S.R.Sumathy
Standing Counsel for R.2.

COMMON ORDER

The prayer sought for in these writ petitions are for a
writ of mandamus, directing the respondents to consider and
dispose of the petitioner's Appeals dated 09.10.2017 and
15.06.2018, on merits and in accordance with law.

2. The lands belong to the petitioner have been acquired
for the purpose of laying road by the National Highways
Department. In this regard, the compensation has already been
determined by the competent authority to be paid to the land
owners, i.e., the petitioner. However, not satisfying with the

same, the petitioner has filed appeals before the Arbitrator, i.e., the District Collector, who has been appointed by the Central Government as Arbitrator under Section 3G(5) of the National Highways Act, 1956 (hereinafter referred to as 'the Act').

3. Though the said appeals have been filed on 09.10.2017 and 15.06.2018 respectively, the appeals are yet to be disposed of, because of the long pendency of the appeals before the respondent District Collector who is the Arbitrator, within the meaning of Section 3G(5) of the Act, the petitioner is suffering. Therefore, he has approached this Court by filing these two writ petitions with the aforesaid prayer.

4. Heard, Mr.D.Senthil Kumaar, learned counsel appearing for the petitioner, who having reiterated the aforesaid facts seeks indulgence of this Court to give suitable direction to the first respondent, District Collector, to decide the appeals which is admittedly pending for a long time before the first respondent, within the time frame on merits and in accordance with law.

5. Heard Mr.M.Elumalai, learned AGP appearing for the first respondent who would submit that, the Appeals, dated 09.10.2017 and 15.06.2018, respectively filed by the petitioner would be decided on merits and in accordance with law, of course after hearing the petitioner as well as the National Highways Authority of India in this regard and would be disposed of within a period of three months from the date of receipt of a copy of this order.

6. Mrs.S.R.Sumathy, learned Standing counsel appearing for the National Highways Authority of India submitted that, since the land has been acquired for the Highways purpose, therefore, before deciding of the appeals before the first respondent, District Collector, the NHAI also should be heard. Therefore, National Highways Authority of India is a necessary party in these writ petitions. In view of the said submission, this Court feel that the National Highways Authority of India, represented by its Project Director, Villupuram, suo motu can be impleaded as a party respondent. Accordingly, the said party is impleaded as second respondent in these writ petitions.

7. The learned counsel appearing for the newly impleaded second respondent, National Highways Authority of India, would submit that, if the appeals filed by the petitioner is decided by the first respondent, District Collector, opportunity may be given to the second respondent, NHAI also and accordingly, Appeals can be disposed of within a time frame.

8. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

9. In view of the respective stand taken by the learned counsel appearing for the parties and by considering the said submissions made by the learned counsel appearing in this regard and also taking into account that, the respective Appeals filed by the petitioner are pending from 2017 and 2018, onwards, this Court is inclined to dispose of these writ petitions with the following order :

That there shall be a direction to the first respondent, District Collector in both the writ petitions to decide the Appeals filed by the petitioners, dated 09.10.2017 and 15.06.2018 respectively and decide the same, after giving an opportunity of being heard to both the petitioner as well as the second respondent and ultimately pass final orders within a period of three months from the date of receipt of a copy of this order.

10. With these directions, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mvs/tsvn

To

1. The District Collector-cum-Arbitrator
Villupuram District
Villupuram.
2. The Project Director,
National Highways Authority of India
Villupuram.

+2cc to Mr.D.Senthil Kumar, Advocate SR.No.27195, 27194

W.P.Nos.11668 and 11670
of 2021

PVS (CO)
GMV (17/05/2021)

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