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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.13292 of 2021

P.Saravanan

.. Petitioner

Vs.

1. The Arbitrator / The Collector,
Villupuram District,
Villupuram.
2. The Competent Authority,
Special District Revenue Officer (LA),
National Highways,
Villupuram District, Villupuram.
3. The Special Tahsildar,
National Highways Scheme,
National Highways - 66,
Collectorate Office,
Villupuram District, Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the first respondent to dispose of the Arbitration Petition filed under Section 3G(5) of the National Highways Act, 1956 read with the Arbitration and Conciliation Act, 1996 dated 05.05.2014 along with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a time frame to be fixed by this Court.

For Petitioner : Mr.T.Karunakaran

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the first respondent to dispose of the Arbitration petition filed by the petitioner under Section 3G(5) of the National Highways Act.



2. According to the petitioner, his lands were acquired under the National Highways Act, and an Award was also passed on 27.11.2013. The petitioner not being satisfied with the quantum of compensation, filed an arbitration petition under Section 3G (5) of the National Highways Act before the competent authority, first respondent District Collector, through Registered Post, with Acknowledgment Due (RPAD) on 05.05.2014, and the same was received at the first respondent's office on 09.05.2014. The learned counsel appearing for the petitioner also filed a xerox copy of the acknowledgment received by the first respondent District Collector Office. Thereafter, no Arbitration proceedings was conducted. Hence, the present writ petition has been filed.

3. When the matter was taken up for hearing, Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents submitted that the petitioner's application was not available in the first respondent office and hence the matter was adjourned to enable the first respondent to verify once again.

4. Today, when the matter was taken up for hearing, Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents, based on written instructions submitted that copy of the arbitration petition is not available at the first respondent District Collector's office.

5. Mr.T.Karunakaran, learned counsel appearing for the petitioner submitted that arbitration petition was sent through RPAD and it was duly received by the District Collector's office on 09.05.2014 and he also filed a copy of the acknowledgment and the receipt in the typed set of papers and submitted that the first respondent office received the petition but somehow misplaced it.

6. I have considered the submissions made by the learned counsel on either side.

7. Considering the above submission made by the learned counsel on either side and also on perusal of the records, it could be seen that the petitioner has in fact filed an application seeking arbitration under Section 3G(5) of the National Highways Act in time but the said application has been misplaced by the first respondent office. In such circumstances, the petitioner is directed to file a fresh copy of the said application before the first respondent District Collector within a period of two weeks from the date of receipt of a copy of this order, and on receipt of the said application, the first respondent District Collector is directed to conduct



enquiry and pass suitable orders, on merits and in accordance with law, after giving an opportunity of hearing to the petitioner, within a period of twelve weeks thereafter. The writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

kk

To

1. The Arbitrator / The Collector,
Villupuram District,
Villupuram.
2. The Competent Authority,
Special District Revenue Officer (LA),
National Highways,
Villupuram District, Villupuram.
3. The Special Tahsildar,
National Highways Scheme,
National Highways - 66,
Collectorate Office,
Villupuram District, Villupuram.

+2cc to Mr.T.Karunakaran, Advocate, S.R.No.33579

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GPL (CO)
SB(17/08/2021)



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