



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 13.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.13036 of 2021

R.Kannan

... Petitioner

-Vs-

1. The District Collector-cum-Arbitrator
(Under the National Highways Act)
Vellore District Collectorate, TNHB Building
Vellore District, Tamilnadu.
2. The District Collector
Ranipet District, Collectorate
Kellys Road, Navalpur
Ranipet - 632 401.
3. Competent Authority and Special District
Revenue Officer, Land Acquisition National
Highways, Bangalore-Chennai Express Highway
Vellore-09.

..Respondents

Prayer :

Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st Respondent or the 2nd Respondent herein to consider and dispose of the petitioners Arbitration Application dated 08.08.2018 preferred against the Award passed by the 3rd Respondent herein vide Rc. G4 / 29 / 2015 dated 15.12.2017 in so far as the petitioners land in Melvenkatapuram Village Walajah Taluk Vellore Distirct after granting an opportunity of personal hearing.

For Petitioner : Mr.C.V.Shailendran for
Mr.Salai Varun

For Respondents : Ms.Akila Rajendran,
Government Counsel



O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 1st Respondent or the 2nd Respondent herein to consider and dispose of the petitioners Arbitration Application dated 08.08.2018 preferred against the Award passed by the 3rd Respondent herein vide Rc. G4 / 29 / 2015 dated 15.12.2017 in so far as the petitioners land in Melvenkatapuram Village Walajah Taluk Vellore Distirct after granting an opportunity of personal hearing.

2. In respect of the petitioner's land at Melvenkatapuram Village, Walajah Taluk, Vellore District (Presently Ranipet District), there has been a land acquisition proceedings under the provisions of the National Highways Act. In the said land acquisition proceedings, the petitioner's land along with some other lands in the same village have been acquired by the competent authority ie., the third respondent herein and an award was passed on 15.12.2017.

3. The copy of the award had been obtained by the petitioner through the communication of the Special Tahsildar dated 06.08.2018. Thereafter, it seems that, on going through the Award passed against the petitioner for the acquisition of the land belonging to the petitioner, felt aggrieved over the quantum of compensation, the petitioner preferred an arbitration petition under Section 3G(5) of the National Highways Act on 08.08.2018 to the first respondent District Collector, who is an arbitrator within the meaning of the said provision of the National Highways Act.

4. Following the same, the petitioner had also given a reminder representation on 17.12.2018 to the first respondent / District Collector / Arbitrator to decide his arbitration petition by giving a personal hearing. Despite these efforts taken by the petitioner, the arbitration petition filed by the petitioner dated 08.08.2018 followed by a reminder petition dated 17.12.2018 has not been considered so far and no decision has been made so far. Hence, seeking for a writ of Mandamus directing the first respondent to consider the arbitration petition filed by the petitioner, he has filed the present writ petition with the aforesaid prayer.

5. Heard Mr.C.V.Shailendran, learned counsel appearing on behalf of the petitioner, who, after having reiterated the aforesaid facts, seeks the indulgence of this Court for a



suitable direction to the first respondent.

6. Heard Ms.Akila Rajendran, learned Government Counsel appearing for the respondents, who would submit that, the said appeal by way of arbitration petition under the provisions of the National Highways Act dated 08.08.2018 filed by the petitioner to the first respondent would be considered on merits and in accordance with law, by giving an opportunity of being heard to the petitioner.

7. Having regard to the said submissions made by the learned counsel for both sides, and by taking into account the aforesaid factual matrix, this Court is inclined to pass the following order.

- That there shall be a direction to the first respondent / District Collector / Arbitrator to decide the arbitration petition dated 08.08.2018 filed by the petitioner under Section 3G(5) of the National Highways Act as against the award passed by the third respondent dated 15.12.2017 by giving an opportunity of being heard to the petitioner within the meaning of Section 3G(5) of the National Highways Act and pass final orders within a period of three months from the date of receipt of a copy of this order.

8. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CCC)

// True Copy//

Sub Assistant Registrar

KST

To

1. The District Collector-cum-Arbitrator
(Under the National Highways Act)
Vellore District Collectorate, TNHB Building
Vellore District, Tamilnadu.
2. The District Collector
Ranipet District, Collectorate
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3. Competent Authority and Special District
Revenue Officer, Land Acquisition National
Highways, Bangalore-Chennai Express Highway
Vellore-09.

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+1cc to Mr.Salai Varun, Advocate, S.R.No.33060
+1cc to the Government Pleader, S.R.No.33549

W.P.No.13036 of 2021

RSV(CO)
CT(06/08/2021)