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Cont.P.No.1084 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.06.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

Contempt Petition No.1084 of 2019

Linga Parquet Industries Private Limited

Represented by its Director,

Murugesu Langalingam

S/o Murugasa Nadar having office

34, Poonamallee High Road,

Koyambedu, Chennai - 600 034.

... Petitioner

Vs.

1.D.Chandran

The Competent Authority and

Special District Revenue Officer (Land Acquisition)

National Highways 205,

Thiruvallur, Tahsildar Office, Poonamallee,

Chennai - 600 056.

2.National Highways Authority of India,

'SRI TOWER' 3rd Floor,

DP-34 (SP) Industrial Estate,

Guindy, Chennai - 600 032

... Respondents

(Suo motu impleaded as 2nd respondent
as per order of the Court dated 27.11.2019)

Prayer: Petition filed under Section 11 of the Contempt of Courts Act, 1971,
praying to punish the 1st respondent for contempt of Court for disobeying
the order in W.P.No.6788 of 2018 dated 26.03.2018.



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For Petitioner	: Mr.Vinod Paul David for M/s.David Tyagaraj
For 1st Respondent	: Mr.Richardson Wilson Government Counsel
For 2nd Respondent	: Mr.Su.Srinivasan, Sr. Central Govt. Standing Counsel

ORDER

This contempt petition has been filed for the alleged disobedience of the orders passed by this Court dated 26.03.2018 made in W.P.No.6788 of 2018.

2.In the said order, the learned Judge had directed the Competent Authority concerned to decide the petitioner's request for enhancement of compensation, interest, solatium etc. and in that line, the writ petition was allowed.

3.Since the order, according to the petitioner, has not been complied with, despite an attempt has been made by the petitioner by filing an Arbitration Petition under Section 3G(5) of the National Highways Act, 1956 (in short 'the Act') in the year 2015 itself, by the respondent Collector, if not the respondent/Competent Authority, who is none other than the Special District Revenue Officer, atleast the Arbitrator, i.e., the District Collector concerned, before whom the Arbitration Petition filed by the



petitioner since has been pending, may be directed to consider the same and if such a consideration is ensured, the petitioner would be satisfied that the orders of this Court atleast to that extent have been complied with.

4.Heard Mr.Su.Srinivasan, learned Standing Counsel appearing for the second respondent, i.e., National Highways Authority of India, who has been subsequently *suo motu* impleaded, who, would submit that, as against the order determining the compensation passed by the Competent Authority, the petitioner already approached the Arbitrator i.e., the District Collector by filing the Arbitration Petition in the year 2015 and in the said Arbitration Petition, reply statement also had been filed on behalf of the said respondent i.e., National Highways Authority of India, therefore, the present plea that, his request for determination of compensation by the Competent Authority does not arise. Therefore, the order passed by this Court, as has been referred to in the aforesaid writ petition, cannot be complied with, neither by the present respondent i.e., Competent Authority and the Special District Revenue Officer (Land Acquisition) nor by the National Highways Authority of India, as that power is already vested only with the District Collector under the provisions of the National Highways Act. Of course, in the same line, Mr.Richardson Wilson, learned counsel for Government appearing for the first respondent i.e., the Competent Authority and Special



District Revenue Officer (Land Acquisition) would make submissions. He would also submit that, if at all the petitioner, as against the order of determination of compensation by the Competent Authority, has filed an appeal by way of Arbitration for enhancement of compensation, solatium, interest etc. before the Arbitrator i.e., the District Collector, that would be decided by the Arbitrator in the manner known to law, especially, under the provisions of Section 3G(5) of the Act and therefore, the present first respondent has nothing to do with the said order passed by the Writ Court made on 26.03.2018, he contended.

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

6.Since the order has already been passed by the first respondent even prior to the direction given by this Court on 26.03.2018 and as against the said order passed by the first respondent/Competent Authority, in fact, the petitioner had filed an Arbitration Petition in the year 2015 i.e., in October 2015 and the said Arbitration Petition, a copy of which has been filed by the petitioner before this Court in the additional typed set of papers, had been numbered as Arbitration No.892 of 2015 on the file of the Arbitrator/District Collector, Tiruvallur, where, reply statement also had been filed by



the Project Director, National Highways Authority of India.

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7.However, it is not known definitely that, whether the said Arbitration Petition is still pending with the said authority i.e., the District Collector/Arbitrator, as according to the petitioner's counsel, the said Arbitration Petition is still pending with him and no quietus have been given therein.

8.In that view of the matter, this Court feels that, if a direction is given to the District Collector/Arbitrator to decide the Arbitration Petition No.892 of 2015 as against the Award No.288 of 2010 pending before the Arbitrator/District Collector on merits and in accordance with law within a time frame that may be stipulated by this Court, the plea raised by the petitioner in this contempt petition can be given a quietus.

9.In that view of the matter, this Court is inclined to give a direction to the District Collector, Tiruvallur, i.e., the Arbitrator, under the National Highways Act within the meaning of Section 3G(5) of the Act, to decide the Arbitration Petition No.892 of 2015 as against the Award No.288 of 2010, filed by the petitioner in October 2015, for which, reply statement also had been filed by the National Highways Authority of India in November 2015, on merits and in accordance with law, especially under the provisions of the National Highways Act, if not already decided, and pass final orders thereon



within a period of three months from the date of receipt of a copy of this order.

10. With the above direction, this Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

sgl

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/08/07/2021

To

1. The Competent Authority and
Special District Revenue Officer (Land Acquisition)
National Highways 205,
Thiruvallur, Tahsildar Office, Poonamallee,
Chennai - 600 056.

2. The National Highways Authority of India,
'SRI TOWER' 3rd Floor,
DP-34 (SP) Industrial Estate,
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