



Cont.P.No.940 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 07.10.2021

CORAM : JUSTICE N.SESHASAYEE

Cont.P.No.940 of 2021

R.Natarajan,
1003/94 L, Govinda Gounder Thottam,
Peramanur, Salem - 7

.. Petitioner

Vs.

1.Mr.S.Karmegam, I.A.S.,
District Collector cum Arbitrator
Under the National Highways Act
Collectorate, Salem.

2.Mr.Varadharajan
Project Director
National Highways Authority of India
Narasothipatti
Salem – 4.

3.Mr.S.A.Raman, I.A.S.,
Director of Museum
Government Museum
Pantheon Road, Egmore
Chennai – 600 008.

.. Respondents

[R3 impleaded as per the Order of the Court dated 09.09.2021
in Sub.Appln.No.326 of 2021 in Cont.P.No.940 of 2021]

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willfully and deliberately violating and disobeying the order of this Hon'ble Court dated 25.02.2021 passed in W.P.No.2513 of 2021, and the binding decision of the Hon'ble Supreme Court in the case of *Union of India Vs. Tarsem Singh*, reported in

[(2019) 9 SCC-304]



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For Petitioner : M/s.Paul & Paul
For Respondents : Mr.R.Neelakandan
Additional Advocate General [R1]
Mr.Su.Srinivasan
Standing Counsel for NHAI [R2]
Mr.V.Lakshminarayanan [R3]

ORDER

This contempt petition is filed alleging wilful disobedience of the respondent concerned to the order passed by this Court on 25.02.2021 in W.P.No.2513 of 2021.

2. The third respondent herein, while he was the District Collector, Salem, also constituted the Statutory Arbitrator under the National Highways Act.

3.1 The petitioner herein has preferred a claim petition, on dissatisfied with the quantum of compensation determined by the Competent Authority for the land acquisition under the Act. This was pending for considerable time. When the petitioner approached this Court for expediting the disposal of the said arbitral proceedings pending before the Statutory Arbitrator, this Court wanted to ascertain how many such cases are pending before him.

3.2 The third respondent was then holding the office of the District Collector, Salem and he logged in, in the virtual Court. This Court vividly recalled that it had informed the third respondent, not only about the need for expeditious disposal of the matter, but also to follow the authority of



Tarsem Singh v Union of India [(2019) 9 SCC 304]. And, when it disposed of the WP.No.2513 of 2021, Vide its order 25.02.2021, it did incorporated the **Tarsem Singh case** in paragraph No.2 & 4 of the Order, which this Court wanted the third respondent to follow while disposing of the arbitral proceedings.

4. The third respondent appeared and has filed an affidavit expressing remorse for what has happened. It is stated in the affidavit that during arguments, the counsel appearing for the National Highways Authority has made a statement that a clarificatory application was filed before the Hon'ble Supreme Court seeking certain clarifications pertaining to the **Tarsem Singh case**.

5. *Prima facie*, this Court is not happy with the way the third respondent has approached the issue. However, given the fact that he was in administration, and he is not adequately exposed to branch of law dealing with precedents, this Court records his apology. This does not provide solution to the writ petitioner / petitioner herein. Necessarily, this Court has to set aside the award dated 17.05.2021, passed by the Arbitrator and remand it back to the Statutory Arbitrator, the first respondent therein, who is now required to apply **Tarsem Singh v Union of India** [(2019) 9 SCC



6. Accordingly, the District Collector cum Arbitrator, Under the National Highways Act, Salem is now required to dispose of the arbitral proceedings within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this contempt petition is closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

ds

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/20/10/2021

To:

1.The District Collector cum Arbitrator
Under the National Highways Act
Collectorate, Salem.

2.The Project Director
National Highways Authority of India
Narasothipatti
Salem – 4.

3.The Director of Museum
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