



WEB COPY

Cont.P.No.1117 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.12.2021

Coram:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Cont.P.No.1117 of 2021

1.Kulanthai Pandiyan

2.K.Selvarani

Both are residing at

12A, Thangaraj Nagar Extension,

Sonia Gandhi Street,

Peerankaranai, Chennai 600 063

...Petitioners

Vs.

Dr.M.Aarthi, I.A.S.,

District Collector,

Collectorate,

Kancheepuram,

Kancheepuram District

...Respondent

PRAYER:

Contempt petition filed under Section 11 of the Contempt of Court Act, 1971 to punish the respondent for the intentional and deliberate violation of the order passed by this Court in WP.No.24274 of 2016 dated 12.02.2020.

For Petitioners : Mr.D.Muthukumar
for M/s.Paul and Paul

For Respondent : Mr.P.Baladhandayutham,
Special Government Pleader



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ORDER

This contempt petition has been filed to punish the respondent for the intentional and deliberate violation of the order passed by this Court dated 12.02.2020 in WP.No.24274 of 2016, thereby directed the petitioners to file application under Section 3G of the National Highways Act, 1956 before the respondent herein within a period of twelve weeks and if such application is filed, the respondent is directed to take application on file and proceed to determine the enhanced compensation after giving adequate opportunity to the petitioner in view of the order passed by the Hon'ble Supreme Court of India in the case of *Union of India and another Vs. Tarsem Singh and others* reported in **(2019) 9 SCC 304**. However, the respondent did not pass order within the stipulated time fixed by this Court. While pending the contempt petition, the respondent passed order on 18.11.2021, thereby rejected the claim of the petitioners.

2. Heard, Mr.D.Muthukumar, the learned counsel for the petitioners, and Mr.P.Baladhandayutham, Special Government Pleader appearing for the respondent.

3. The learned counsel for the petitioners would submit that this Court specifically directed the respondent to pass order in view of the order passed



by the Hon'ble Supreme Court of India in the case of ***Union of India and another Vs. Tarsem Singh and others*** reported in ***(2019) 9 SCC 304***. Even then, the first respondent mechanically rejected the claim made by the petitioners. He also relied upon the order passed by this Court in the case of ***R.Natarajan Vs. S.Karmegam, I.A.S., District Collector and others*** in Cont.P.No.940 of 2021 dated 07.10.2021, a similarly placed matter, wherein this Court set aside the order passed by the first respondent and directed the first respondent to dispose of the arbitration proceedings afresh applying the order passed by the Hon'ble Supreme Court of India and also stating that *the first respondent is not adequately exposed to branch of law dealing with precedents, this Court records his apology and this does not provide solution to the writ petition and accordingly order passed by the first respondent is liable to be set aside.*

4. Therefore, this Court has no hesitation to set aside the award passed by the respondent dated 18.11.2021 and accordingly, the award dated 18.11.2021 is set aside and remitted back to the respondent for fresh disposal in view of the order passed by the Hon'ble Supreme Court of India in the case of ***Union of India and another Vs. Tarsem Singh and others*** reported in ***(2019) 9 SCC 304***. Accordingly, the respondent is directed to consider and dispose of the arbitration proceedings within a period of four



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weeks from the date of receipt of copy of this order in view of the order passed by the Hon'ble Supreme Court of India in the case of ***Union of India and another Vs. Tarsem Singh and others*** reported in ***(2019) 9 SCC 304***.

5. With the above direction, this contempt petition is disposed of.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

lok

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/04/01/2022

To
The District Collector,
Collectorate,
Kancheepuram,
Kancheepuram District