



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.20551 of 2021

1.S.Manickam
2.S.S.Sathiskumar
3.S.Sivakami
4.A.Shakila

... Petitioners

vs.

1. The Arbitrator/
The District Collector,
Salem District.

2. The Competent Authority/Special District
Revenue Officer (LA)
National Highways 68,
Swarnapuri-II Gate,
Salem-4.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in relation to the impugned proceedings in Mu.Mu.No.11659/2020/RP dated 20.01.2021 to quash the same and further direct the 1st respondent to hear the claim petitions preferred by the petitioners.

For Petitioner : Mr.L.P.Shanmugasundaram

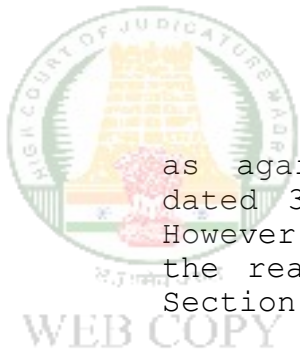
For R1 : Ms.S.R.Sumathi

For R2 : Mr.Yogesh Kannadasan
Special Government Pleader

ORDER

This writ petition has been filed to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in relation to the impugned proceedings in Mu.Mu.No.11659/2020/RP dated 20.01.2021 and to quash the same and further, direct the 1st respondent to hear the claim petitions preferred by the petitioners.

2. The petitioners submitted a representation dated 24.03.2020 to the 1st respondent for enhancement of compensation



as against the award passed in Spl.DRO.Roc.242/2009 (NH-68) dated 30.12.2009 for the land acquired by the 2nd respondent. However, the said request was rejected by the impugned order for the reason that the application is barred by limitation under Section 43(1) of the Arbitration and Conciliation Act, 1996.

3. The Hon'ble Division Bench of this Court held in the case of The Project Director, Project Implementation Unit, Coimbatore vs. K.Periyasamy in W.A.No.308 of 2016 etc., batch dated 25.04.2018, quashed the order passed by the 1st respondent therein and directed the respondents to refer the claims of the petitioners for arbitration as contemplated under Section 3-G(5) and (6) of the National Highways Act, 1956 and it is squarely covered to the present case on hand.

4. In the light of the above, the impugned proceedings dated 20.01.2021 is set aside and the 1st respondent is directed to initiate arbitration proceedings as against the award passed in Spl.DRO.Roc.242/2009 (NH-68) dated 30.12.2009 and after giving opportunity of hearing to the petitioners, pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition is allowed.
No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

dm

To

1. The Arbitrator/
The District Collector,
Salem District.
2. The Competent Authority/Special District
Revenue Officer (LA)
National Highways 68,
Swarnapuri-II Gate,
Salem-4.

+1cc to the Government Pleader, S.R.No.62612

W.P.No.20551 of 2021

PL(CO)
CT 13/12/2021