

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2021

CORAM: JUSTICE N.SESHASAYEE

WP.No.18894 of 2020

R.Thenmozhi

...Petitioner

-Vs-

1.The District Collector-cum-Arbitrator,
Tiruvallur,
Tiruvallur District.

2.The Competent Authority and Special
District Revenue Officer (Land Acquisition),
National Highways - 205,
3 and 4 Lal Bagudhar Sastri Street,
Periakuppam, Tiruvallur District.

3.The Project Director,
National Highways Authority of India,
SRI TOWER, 3rd Floor,
DP-34 (SP) Industrial Estate,
Guindy, Chennai - 600 032.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to commence arbitration on the claim for enhancement of the compensation sought for by the Petitioner in respect of her claim within such date as stipulated by this Hon'ble Court and complete the arbitration proceedings expeditiously and within such date as deemed fit and proper by this Hon'ble Court may deem fit.

For Petitioner : Mr.N.Srinivasulu

For R1 & R2 : Mr.D.Raja

Additional Government Pleader

For R3 : Mr.SU.Srinivasan

ORDER

The petitioner in this case has approached the District Collector, the Statutory Arbitrator with the Award passed by the second respondent/DRO passed under the provisions of the National Highways Act.

2.Mr.D.Raja, learned Additional Government Pleader appearing for the respondents 1 and 2 made a submission that the first respondent/District Collector has already commenced the proceedings by issuing the notice of enquiry to the parties and that the enquiry will commence shortly.

3.Mr.Su.Srinivasan, the learned counsel for National Highways/third respondent submitted that in this batch of cases, some of the cases are challenged before the Arbitrator beyond the period of limitation.

4.The submissions of the learned Law Officers of the State are recorded.

5.Inasmuch as the first respondent, the Statutory Arbitrator has initiated steps for commencing the Arbitral proceedings, there may not be any need for giving any specific directions except that the said proceedings must conclude within a period of 12 weeks from the date of receipt of a copy of this order, subject to such period, as would be covered by any responsibilities assigned to the first respondent for the ensuing General Elections, 2021.

6.So far as the point of limitation is concerned, the third respondent will necessarily be served with the notice of the Arbitral Proceedings and he is free to raise the issue before the Arbitrator.

7.The Writ Petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

Tsg

To

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Tiruvallur,
Tiruvallur District.

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SRI TOWER, 3rd Floor,
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Guindy, Chennai - 600 032.

+1cc to Mr.N.Srinivasulu, Advocate SR.No.6414

+1 cc to Government Pleader Sr.No. 6682

W.P.No.18894 of 2020

A.SK(23.03.2021)

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