



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **23.07.2021**

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.12415 of 2021

M.Gunasekarapandian

... Petitioner

Vs.

1.The District Collector/Arbitrator, Madurai.

2.The Special District Revenue Officer (LAO),
Formation of Four Laning of Madurai Ring Road,
NH 744A, "Bharatmala Pariyojana",
No.5-A, Baskar Complex, First Floor,
Besant Road, Chinnachokkikulam, Madurai -2.

3.The Deputy General Manager (T) &
Project Director,
Formation of Four Laning of Madurai Ring Road,
NH 744A, "Bharatmala Pariyojana",
National Highways Authority of India,
2nd Floor, East 1st Street,
K.K.Nagar, Madurai - 625 020.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing 1st respondent to dispose the petitioner's arbitration proceedings in Appeal No.3/VPT/Kallanai/2020 filed under Section 3G (5) of the National Highways Act within a frame fixed by this Court.

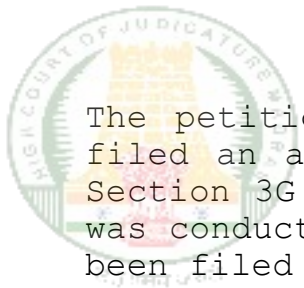
For Petitioner : Mr.M.P.Senthil
For R1 & R2 : Mr.R.Sureshkumar
Government Advocate
For R3 : Mr.C.Arul Vadivel@ Sekar

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to dispose the petitioner's arbitration proceedings in Appeal No.3/VPT/Kallanai/2020 filed under Section 3G (5) of the National Highways Act

2.Heard Mr.M.P.Senthil, learned counsel for the petitioner, Mr.R.Sureshkumar, learned Government Advocate for the respondents 1 and 2 and Mr.C.Arul Vadivel @ Sekar, learned Standing Counsel for the third respondent.

3.The property belonging to the petitioner was acquired under the National Highways Act, 1956 and an award was also passed by the second respondent fixing the compensation payable to the petitioner.



The petitioner not being satisfied with the quantum of the award, filed an arbitration application before the first respondent under Section 3G(5) of the National Highways Act, 1956. Since no enquiry was conducted by the first respondent, the present writ petition has been filed before this Court seeking for appropriate directions.

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4.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the first respondent to deal with the application filed by the petitioner under Section 3G(5) of the National Highways Act, 1956, after affording opportunity to the petitioner and National Highways Authorities of India and pass final orders, on its own merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

5.The petitioner is directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

6.In the result, the Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector/Arbitrator, Madurai.

2.The Special District Revenue Officer (LAO),
Formation of Four Laning of Madurai Ring Road,
NH 744A, "Bharatmala Pariyojana",
No.5-A, Baskar Complex, First Floor,
Besant Road, Chinnachokkikulam, Madurai -2.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-23771[F] dated 23/07/2021)

+1 CC to M/s.GP (SR-23877[F] dated 26/07/2021)

W.P.(MD).No.12415 of 2021

23.07.2021

RD(5.08.2021) 2P 5C

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