



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HONOURABLE MRS.JUSTICE J. NISHA BANU

W.P. (MD) .No.12922 of 2021

M.Poongothai

...Petitioner

Vs.

1.The District Collector/Arbitrator,
Madurai.

2.The Special District Revenue Officer, (LAO),
Madurai Ring Road under Bharatmala Pariyojana Scheme,
NH 744A, National Highways,
Madurai.

3.The Deputy General Manager (T) &
Project Director,
Madurai Ring Road under Bharatmala Pariyojana Scheme,
NH 744A, National Highways Authority of India,
Madurai.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing 1st respondent to dispose the petitioner's arbitration proceedings in Appeal No.10/Thamaraipatti II Bit Village/2021 filled under Section 3G (5) of the National Highways Act within a time frame fixed by this Court.

For Petitioner : Mr.M.P.Senthil

For Respondents : Mr.M.Lingadurai for R1 & R2
Government Advocate
Mr.Su.Srinivasan for R3

ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the first respondent to dispose of the arbitration proceedings initiated by the petitioner under Section 3 G (5) of the National Highways Act, 1956.

2. The petitioner was the owner of the subject property, which was acquired by the National Highways Authority of India. The compensation was fixed by the Revenue Divisional Officer (LAO) and the petitioner was not satisfied with the compensation fixed by the Authority. Hence, the petitioner exercised his statutory right of initiating arbitration proceedings before the first respondent.



3. The grievance of the petitioner is that the proceedings have not progressed and it is being kept pending by the first respondent. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

4. Heard Mr.M.P.Senthil, learned counsel for the petitioner, Mr.M.Lingadurai, learned Government Advocate appearing for the first and second respondents and Mr.Su.Srinivasan, learned counsel appearing for the third respondent.

5. 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 complete the arbitration proceedings and pass order within a period of three (3) months from the date of receipt of a copy of this order.

6. This Writ Petition stands disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM/MPK

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),
Madurai Ring Road under Bharatmala Pariyojana Scheme,
NH 744A, National Highways,
Madurai.

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-24816[F] dated 30/07/2021)

+1 CC to M/s.SPL GP (SR-24905[F] dated 02/08/2021)



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+1 CC to M/s.SU. SRINIVASAN, Advocate (SR-25568[F] dated 06/08/2021)

W.P. (MD) .No.12922 of 2021

Dated:
29.07.2021

NS (CO)

KB(11.08.2021) 3P 6C