



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2021

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WEB COPY

THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

W.P(MD)No.14786 of 2021

M.Ambareesan

... Petitioner

Vs.

1. The District Collector/Arbitrator,
Sivagangai.

2. The Special District Revenue Officer (LAO)
NH 49, National Highways,
Collector's Office,
Ramdad.

3. National Highways Authority,
through its Project Director,
NH 49, National Highways,
Subramaniapuram 3rd Street,
I & II Floor, Karaikudi.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to dispose the petitioner's arbitration proceedings in Appeal in Roc.No.C1/13990/2018 filed 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.P.Subburaj,
Counsel for State,
for R1 & R2.

Mr.Arulvadivel @ Sekar, for R3.

ORDER

The petitioner seeks the expeditious disposal of arbitration proceedings filed under Section 3G(5) of the National Highways Act.

2. The petitioner states that he is the owner of properties which were acquired pursuant to proceedings initiated under the National Highways Act 1956. Since the petitioner was dissatisfied with the compensation, the petitioner initiated proceedings in terms of Section 3G(5) of the aforesaid enactment. As the designated arbitrator, the first respondent took up the matter. Although such



proceedings were initiated in the year 2018, the petitioner states that such proceedings have not been concluded till date.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of the first and second respondents and Mr.Arul Vadivel @ Sekar, learned Standing Counsel, accepts notice on behalf of the third respondent.

4. The Arbitration and Conciliation Act 1996 fixes time limits for the disposal of arbitral proceedings. The time limit of six months has been stipulated for the completion of pleadings and a further time limit of one year for the conclusion of proceedings, which is to be computed from the date of completion of pleadings. In the case at hand, the petitioner states that the proceedings are being delayed without justification. Needless to say, time limits were stipulated in the Arbitration and Conciliation Act 1996 so as to ensure that such proceedings are concluded expeditiously. Ordinarily, if statutory time limits are fixed, such time limits should not be altered. However, in this case, it appears that no progress has been made in the arbitral proceedings by scheduling hearings even for completion of pleadings.

5. Therefore, W.P.(MD).No.14786 of 2021 is disposed of by directing the first respondent to dispose of the proceedings bearing R.O.C.No.C1/13990/2018 within a period of six months from the date of receipt of a copy of this order. There will be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Sbn

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,
Sivagangai.
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3. National Highways Authority,
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+1 CC to M/s.GP (SR-26919[F] dated 23/08/2021)

W.P (MD) No.14786 of 2021
19.08.2021

MGJ(01.09.2021) 3P 5C