



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2021

CORAM

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. (MD)No.16815 of 2021

A.Mookan

... Petitioner

Vs.

1. The District Collector/Arbitrator,
(Land Acquisition),
Madurai Natham Four Laning and
Widening of NH,
785, National Highways, Madurai.

2. The District Revenue Officer, (LAO),
Madurai Natham Four Laning and
Widening of NH,
785, National Highways, Madurai.

3. The Deputy General Manager (T)
and Project Director,
Madurai Natham Four Laning and
Widening of NH,
785, National Highways, Madurai.

... Respondents

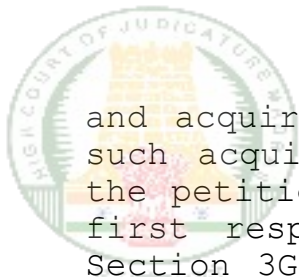
Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to take up the petitioner's appeal in Appeal No.5/MNT/Kadavur/2020 dated 18.03.2020 pending on the first respondent's filed within a time frame to be fixed by this Court at the time of disposal of this writ petition.

For Petitioner	: Mr.S.Ramu
For Respondents	: Mr.P.Subbaraj, Counsel for the State for R1 and R2 Mr.Arul Vadivel @ Sekar for R3

O R D E R

The petitioner seeks the expeditious disposal of the appeal filed before the first respondent seeking enhanced compensation for an acquisition.

2. The petitioner states that his father originally owned an extent of 1 acre 30 cents in Survey Nos.6/1 and 6/2 at Kadavur Village, Chatrapatti Post, Madurai North Taluk, Madurai District. He died intestate leaving behind the petitioner and his siblings as the legal heirs. It is stated that such siblings executed an unregistered partition deed dated 01.12.2006. Thereafter, the National Highways Department initiated proceedings for acquisition



and acquired the petitioner's property. Compensation was fixed for such acquisition. Being aggrieved by the quantum of compensation, the petitioner filed an appeal for enhanced compensation before the first respondent, who is the designated Arbitrator in terms of Section 3G(5) of the National Highways Act, 1956 (the Act of 1956). According to the petitioner, no progress has been made with regard to the disposal of such appeal in spite of submitting a subsequent representation dated 26.07.2021.

3. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 1 and 2 and Mr.Arul Vadivel @ Sekar, learned Standing Counsel, accepts notice on behalf of the third respondent.

4. The Arbitration and Conciliation Act, 1996 applies to proceedings instituted under Section 3G(5) of the Act of 1956 seeking enhanced compensation. Consequently, such proceedings are subject to the time limits specified in the above enactment. In particular, a time limit of six months is fixed for the completion of pleadings and a further twelve months therefrom for the conclusion of proceedings by way of an arbitral award.

5. In the present case, the petitioner alleges that no action was taken in response to the appeal filed on 18.03.2020. A period of about one and half years have lapsed since the date of presentation of the relevant appeal. Ordinarily, if time limits are specified under a statute, the disposal of such proceedings should be strictly in accordance with the time limits specified in the statute concerned. However, in the case at hand, such time limits have been given a complete go-by. It does not appear that pleadings have been completed as on date. The object and purpose of the Arbitration and Conciliation Act, 1996 would be completely defeated if proceedings are conducted in such tardy fashion.

6. Therefore, the first respondent is directed to consider and dispose of the petitioner's appeal No.5/MNT/Kadavur/2020 dated 18.03.2020 within a period of nine (9) months from the date of receipt of a copy of this order after providing a reasonable opportunity to the petitioner and the National Highways Department.

7. W.P(MD).No.16815 of 2021 is disposed of on these terms without any order as to costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



To

1. The District Collector/Arbitrator,
(Land Acquisition),
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3. The Deputy General Manager (T)
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+1 CC to M/s.S. RAMU, Advocate (SR-29696[F] dated 21/09/2021)

+1 CC to M/s.SPL. GP (SR-29756[F] dated 21/09/2021)

W.P. (MD) No.16815 of 2021
20.09.2021

NSN(CO)
KB(28.09.2021) 3P 6C