



CRP.NPD.No.57/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP.NPD.No.57/2022

(Heard through Video Conferencing)

V.Neelavathi

... Petitioner

Vs

1.National Highways Authority of India
represented by its Project Director,
Villupuram.

2.The Arbitrator/Collector
Land Acquisition NH 66,
Villupuram District,
Villupuram.

3.The Competent Authority [Land Acquisition]
Special District Revenue Officer
National Highways, Villupuram.

4.The Special Tahsildar [Land Acquisition]
National Highways, Villupuram.

... Respondents



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Prayer: Civil Revision Petition under Article 227 of the Constitution of India to set aside the order and decreetal order dated 21.10.2021 in unnumbered IA.No.-- of 2021 in unnumbered Arbitration OP.NO.-- of 2021 passed by the learned Principal District Judge, at Villupuram.

For Petitioner : Mr.T.Karunakaran

ORDER

- (1) This Revision is against the order of the learned Principal District Judge, Villupuram, refusing to condone the delay of 2789 days in filing a petition under Section 34 of the Arbitration and Conciliation Act, challenging the Award passed by the Collector under Section 3[j] of the National Highways Act.
- (2) The learned Principal District Judge, Villupuram, had held that in view of the proviso to sub-section [3] of Section 34 of the Arbitration and Conciliation Act, 1996, the application for condoning the delay beyond a period of thirty days cannot be entertained.
- (3) Mr.T.Karunakaran, learned counsel appearing for the petitioner would



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submit that Section 43 of the said Act makes the Limitation Act, 1963, applicable to proceedings in Court and therefore, the conclusion of the learned Principal District Judge, Villupuram, regarding the power to condone the delay is erroneous.

- (4) I am unable to concur with the learned counsel for the petitioner. If a special enactment provides for a particular period of limitation and curtails the power of the Court to condone the delay, the same would prevail over the provisions of the Limitation Act. Therefore, I am unable to fault with the learned Principal District Judge, Villupuram, having dismissed the application on the ground that he has no power to condone the delay.
- (5) Hence, the Revision fails and it is accordingly **dismissed**.
- (6) It is seen from the records that the petitioner has been directed to pay a Court fee of Rs.1,00,000/-. Now that the delay petition itself is dismissed and the Original Petition is not entertained, the learned Principal District Judge, Villupuram, is directed to refund the entire court fee paid by the petitioner in the Original Petition, within a period of two weeks from the date of receipt of a copy of this order.



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No costs.

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AP

Internet : Yes

Index : No

Speaking order: Yes

To

- 1.The Principal District Judge
Villupuram.
- 2.The Project Director,
National Highways Authority of India
Villupuram.
- 3.The Arbitrator/Collector
Land Acquisition NH 66,
Villupuram District,
Villupuram.
- 4.The Competent Authority [Land Acquisition]
Special District Revenue Officer
National Highways, Villupuram.
- 5.The Special Tahsildar [Land Acquisition]
National Highways, Villupuram.

R.SUBRAMANIAN, J.



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