



WEB COPY



W.P.No.33221 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.33221 of 2022

M.Shajahan

... Petitioner

Vs

1.The District Collector,
Nagapattinam District,
Nagapattinam.

2.The District Collector,
Mayiladuthurai District,
Mayiladuthurai.

3.The Special Tahsildar, (Land Acquisition Officer),
National Highways Department,
Cuddalore and Nagapattinam District.

4.The Deputy General Manager
/Planning Director,
National Highways Committee,
Villupuram.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 2nd respondent to dispose of the arbitration application appeal No.58/2019 filed by the petitioner dated 15.07.2019 with regard to the enhancement of the compensation for acquisition of land admeasuring 3584 square meter comprised in Survey No.347/2A, Gopalamuthiram Village, Sirkazhi Taluk, Mayiladuthurai District forthwith and grant the enhanced compensation to the petitioner.



WEB COPY



W.P.No.33221 of 2022

For Petitioner : Mr.R.Rajarajan

For Respondents : Mr.P.Sathish
Addl. Government Pleader for R1 to R3

: Mr.Su.Srinivasan
Standing Counsel for R4

ORDER

The prayer sought for herein is for a Writ of Mandamus directing the 2nd respondent to dispose of the arbitration application appeal No.58/2019 filed by the petitioner dated 15.07.2019 with regard to the enhancement of the compensation for acquisition of land admeasuring 3584 square meter comprised in Survey No.347/2A, Gopalamuthiram Village, Sirkazhi Taluk, Mayiladuthurai District forthwith and grant the enhanced compensation to the petitioner.

2. In order to enhance the compensation payable to the petitioner for his lands which have been acquired by the respondents for the purpose of National Highways, the petitioner had filed an appeal in Appeal No.58/2019 dated 15.07.2019 originally to the 1st respondent presently with the jurisdiction of the 2nd respondent.



W.P.No.33221 of 2022

WEB COPY

3. The 2nd respondent/District Collector since has to act as an Arbitrator within the meaning of Section 3G(5) of the National Highways Act, such an appeal/arbitration proceedings shall be completed at the earliest so that the petitioner can see the light as to what would be the enhanced compensation for the properties of the petitioner being acquired for the National Highways purpose. Therefore, in order to give a direction to the 2nd respondent/District Collector to decide the said arbitration proceedings within a time frame, he has moved the present writ petition.

4. Heard Mr.R.Rajarajan, learned counsel appearing for the petitioner, Mr.P.Sathish, learned Additional Government Pleader appearing for respondents 1 to 3 and Mr.Su.Srinivasan, learned Standing Counsel appearing for the 4th respondent.

5. The learned Additional Government Pleader for the respondents 1 to 3 submits that six weeks time atleast may be given to the 2nd respondent to decide the arbitration proceedings.

6. Having considered the said submission made by the learned



W.P.No.33221 of 2022

Additional Government Pleader for the respondents 1 to 3 and having regard to the aforestated facts and circumstances, where, the appeal/ arbitration proceedings is pending from 2019, this Court is inclined to dispose of this writ petition:

That there shall be a direction to the 2nd respondent to decide the appeal in Appeal No.58/2019 under the provisions of the Arbitration and Conciliation Act, 1996 and pass orders thereon within a period of six weeks from the date of receipt of a copy of this order.

7. With this direction, this Writ Petition is disposed of. No costs.

09.12.2022

Index : Yes / No

Speaking Order : Yes / No

Sgl



W.P.No.33221 of 2022

To
WEB COPY

- 1.The District Collector,
Nagapattinam District,
Nagapattinam.
- 2.The District Collector,
Mayiladuthurai District,
Mayiladuthurai.
- 3.The Special Tahsildar, (Land Acquisition Officer),
National Highways Department,
Cuddalore and Nagapattinam District.
- 4.The Deputy General Manager
/Planning Director,
National Highways Committee,
Villupuram.



WEB COPY



W.P.No.33221 of 2022

R. SURESH KUMAR, J.

Sgl

W.P.No.33221 of 2022

09.12.2022