



WEB COPY



W.P.No.1372 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.1372 of 2023

N.Shobana

.. Petitioner

VS

1. Authorized Officer and the Special
District Revenue Officer
NH 48, Land Acquisition Vellore
B Block, 4th Floor
District Collectorate
Vellore – 632 009.

2. The District Collector
A Block, 2nd Floor
District Collectorate
Vellore – 630 009.

3. Project Director
National Highway Authority
Krishnagiri.

4. National Highways Authority of India
G 5 & 6, Sector 10
Dwarka, New Delhi – 110 075.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to dispose of representation dated 30.08.2022 and refer the claim of the petitioner to the Arbitrator under the National Highway Act.



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For Petitioner : Mr.K.N.Paridhi Arasu

For Respondents : Mr.P.Sathish
Additional Government Pleader
for respondents 1 and 2

Mr.Su.Srinivasan
Standing Counsel
for respondents 3 and 4

ORDER

The prayer sought for herein is for a writ of Mandamus, directing the first respondent to dispose of the representation dated 30.08.2022 and refer the claim of the petitioner to the Arbitrator under the National Highway Act.

2. As against the compensation awarded against the petitioner for land acquisition proceedings for the benefit of the National Highways Authority of India, the petitioner had given an arbitration appeal dated 30.08.2022 to the first and second respondents and in order to decide the said arbitration appeal on merits at an earlier date and decide the same, the petitioner has moved the present writ petition.



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3. Heard Mr.P.Sathish, learned Additional Government Pleader appearing for the first and second respondent and Mr.Su.Srinivasan, learned Standing Counsel appearing for the third and fourth respondent.

4. Learned counsel appearing for the respondents would submit that, though it has been addressed to the first respondent, a copy of the 3G(5) application, i.e., the arbitration appeal filed, since also has been marked by the second respondent District Collector, the District Collector / second respondent, since is an arbitrator within the meaning of Section 3G(5) of the National Highways Authority of India Act, the said arbitration appeal would be decided by the District Collector on merits and in accordance with law within a time frame that may be stipulated by this Court.

5. Having regard to the said submissions made by the learned counsel appearing for the respondents and taking note of the aforesaid factual matrix, this Court is inclined to dispose of the writ petition with the following directions:

That there shall be a direction to the second respondent
viz., District Collector / Arbitrator to decide the arbitration



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appeal filed by the petitioner dated 30.08.2022 on merits and in accordance with law and pass final orders thereon within a period of twelve weeks from the date of receipt of a copy of this order.

6. With these directions, the writ petition is disposed of. There will be no order as to costs.

20.01.2023

Index: Yes/No

Neutral Citation: Yes/No

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R. SURESH KUMAR, J.

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