



WEB COPY

WP No.16622 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.16622 of 2023

Dr.T.Vishnu

... Petitioner

Vs.

1.The Sole Arbitrator-cum-District Collector,
NH 47 (New No.544),
Office of the Salem Collector,
Salem-636 001.

2.The Special District Revenue Officer
(Land Acquisition),
NH-47 (New No.544),
Krishnagiri.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to take Arb.No.618 dated 28.10.2022 and hear the case and dispose of the same on its merits.

For Petitioner

: Mr.Sunny for



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Ms.V.Srimathi

For Respondents

: Mr.T.Arunkumar,
Additional Government Pleader.

ORDER

The present writ petition has been filed directing the first respondent to take Arbitration No.618 dated 28.10.2022 and hear the case and dispose of the same on its merits in accordance with law.

2. It is not in dispute that the land belonged to the petitioner was acquired and compensation has already been settled in favour of the petitioner. The petitioner filed Arbitral proceedings under the provisions of the Act. Challenging the same, the order passed by the Competent Authority determining the compensation. The said Arbitral proceeding was numbered as 618.

3. The learned counsel for the petitioner mainly contended that the Competent Authorities are not considering the Arbitral proceedings. Consistently the petitioner made several representations to dispose of the same.



4. It is needless to state that Arbitral proceedings instituted by the landlosers are to be adjudicated as expeditiously as possible, since their valuable lands were acquired for public projects.

5. The 'right to property' is the Constitutional Right under Article 300-A of the Constitution of India. The 'property right' can be taken away by an Authority of Law and whenever acquisition procedures are initiated, the same is to be concluded as early as possible.

6. In the present case, the compensation determined by the Original Authority had already been settled to the petitioner and the petitioner challenging the said order. The proceedings are pending for more than a decade.

7. The learned Additional Government Pleader, appearing on behalf of the respondents, raised an objection by stating that the Arbitral proceedings will be heard in the order of seniority and the case of the petitioner will be considered whenever his turn comes. The petitioner is not



clear about such seniority or the turn. Since the seniority number of the Arbitral proceedings are not communicated to the parties. In the absence of any transparent procedures in communicating the seniority, the parties will not be in a position to know about the fate of the Arbitral proceedings and there is a possibility of favouritism and nepotism in the matter of hearing the Arbitral proceedings.

8. In order to create confidence in the mind of the landlosers, who have preferred an Arbitral proceedings. The procedures for conducting Arbitral proceedings must be transparent. Thus the Authorities Competent is bound to assign the seniority number and communicate the same to the members, who have instituted the Arbitral proceedings, thereby enabling them to wait for their turn and to understand the progress made in pending Arbitral proceedings.

9. Long back pending cases are to be disposed as expeditiously as possible. Therefore, the respondents are directed to publish the seniority list of the pending cases and communicate the seniority number of the petitioner, so as to ensure transparency in public proceedings and



accordingly dispose of the matter in the order of seniority and by following the procedures.

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10. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

08-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn

To

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S.M.SUBRAMANIAM, J.

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