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C.R.P.(NPD).No.3476 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2023

C O R A M

THE HONOURABLE MRS.JUSTICE BHAVANI SUBBAROYAN

C.R.P.(NPD).No.3476 of 2023

G.Munusamy

... Petitioner

Vs.

1.The Arbitrator-Cum-District Collector,
(LA-NH-7, 46, 47 & 66)
Salem-Krishnagiri District,
At Krishnagiri.

2.The Competent Authority,
Special District Revenue Officer,
National Highways,
Krishnagiri.

3.The Special Tahsldar (LA),
Krishnagiri.

4.National Highways Authority of India,
Represented by its Project Director,
Krishnagiri.

... Respondents

PRAYER: This Civil Revision Petition has been filed under Article 227 of Constitution of India, praying to issue a direction directing the Principal District Court, Krishnagiri to take up the O.P.No.43 of 2020 for final hearing and dispose of the same on merits and in accordance with law, within a time frame fixed by this Court.



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For Petitioner : Mr.V.P.Sengottuvel
Senior Counsel
for Mr.K.Indupriya

ORDER

This civil Revision Petition has been filed by the petitioner to issue a direction to the Principal District Court, Krishnagiri to take up the Arb.O.P.No.43 of 2020 for final hearing and dispose of the same on merits and in accordance with law, within a time frame fixed by this Court.

2. Heard Mr.V.P.Sengottuvel, learned Senior Counsel for Mr.K.Indupriya appearing on behalf of the petitioner and perused the materials available on records before this Court.

3. Learned Senior Counsel submitted that the Arb.O.P.No.43 of 2020 was filed under Section 34 of the Arbitration and Conciliation Act, 1996 to set aside the award dated 31.07.2017 passed in Roc.No.517/2016/B4 by the 2nd respondent, order dated 13.12.2019 passed in Na.Ka.No.89/2019/Arbit by the 1st respondent and enhance



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the compensation from Rs.400/- per square feet to Rs.1,000/- i.e. for Rs.59,72,000/- with additional compensation at the rate of 12% from 12.12.2014 for Rs.59,72,000/-, solatium of 100% i.e. Rs.59,72,000/- by deducting a sum of Rs.55,31,445/-.

4. The learned Senior Counsel submitted that the present Civil Revision Petition has been filed seeking for a direction to direct the Principal District Court, Krishnagiri to pass final orders after hearing the parties as already once it was argued and the matter was posted for orders. After hearing both the parties, it was once again reopened and till date no orders have been passed. The Court below has not considered that the cause of action arose on 23.05.2013, when the petitioner purchased the house site measuring Acre 0.15 in S.No.522/1A3, Endu Chetty Street, Bargur Village, vide Sale Deed dated 23.05.2013 registered as Document no.1480 of 2013. The National Highways Authority issued 3A(1) notification dated 12.12.2014 and 3D(1) notification on 31.08.2015 for acquisition of land to form service road by the side of six lane National Highways Road and an extent of 5972 square feet was sought to be acquired.



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5. The 3G(3) of the National Highways Act, 1956 enquiry was conducted by the 2nd respondent, the Competent Authority, Special District Revenue Officer on 26.10.2015, 27.10.2015 and 28.10.2015 and the award was passed on 31.07.2017, fixing the value as Rs.400 per square meter and the total award amount for the entire 5972 square meter along with solatium was Rs.55,31,445/-. Aggrieved by the said order of the 2nd respondent, the petitioner preferred an appeal before the 1st respondent and the 1st respondent without conducting enquiry and without getting any report from the expert committee as per law, passed an Award on 13.12.2019, confirming the award of the 2nd respondent by not taking into account the Government guideline value, date regarding Sale Deed submitted by the petitioner.

6. Aggrieved by the said order of the 1st respondent, the petitioner filed a petition in O.P.No.43 of 2020 under Section 34 of the Arbitration and Conciliation Act, 1996 and the respondents did not file their counter affidavit even after giving sufficient opportunity to file their counter. Thereafter, the pleadings and arguments in the petition was completed on 16.09.2022, and posted for orders on 6 occasions and it was reopened suo moto on 19.04.2023. The matter is posted for nearly



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two years by mere adjournments and the Court has not proceeded further and passed any orders on the same. As per Section 34(6) of the Arbitration and Conciliation Act, 1996, by the Arbitration and Conciliation (Amendment) Act, 2015, an application under this Section shall be disposed of expeditiously, within a period of one year from the date on which the notice referred to in Sub-Section (5) is served upon the other party.

7. In spite of the same, the trial Court has not proceeded further and passed any orders. Due to which the petitioner is put to irreparable hardship as his lands were taken over in the year 2014 itself and that he is yet to see the colour of the coin. Hence, this Court is inclined to issue direction to the Principal District Court, Krishnagiri to dispose of the O.P.No.43 of 2020 within a period of three (3) months ie. on or before 31.01.2024.

8. With the above direction, this Civil Revision Petition is disposed of. No costs.

21.09.2023

Index:Yes/No

Internet:Yes/No



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Speaking Order/Non Speaking Order
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To

The Principal District Court,
Krishnagiri.

V.BHAVANI SUBBAROYAN., J.

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