



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. Nos.30066 and 30068 of 2023

and

W.M.P. Nos.29687 and 29688 of 2023

In W.P. No.30066 of 2023

The Project Director
National Highways Authority of India
Project Implementation Unit-Chennai
"Sri Towers", 3rd Floor, DP-34 (SP),
Industrial Estate, Guindy,
Chennai - 600 032

... Petitioner

Vs.

1. The Arbitrator & District Collector
Chennai.
2. The Special District Revenue Officer (LA)
National Highways - 4&5 @ Tiruvallur
No.3&4, Lal Bagadthur Sasthri Street,
Periyakuppam Railway Street
Near Thulasi Theatre
Thiruvallur - 602 001
3. L.Mani

... Respondents



In W.P. No.30068 of 2023

The Project Director
National Highways Authority of India
Project Implementation Unit-Chennai
"Sri Towers", 3rd Floor, DP-34 (SP),
Industrial Estate, Guindy,
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... Petitioner

Vs.

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Periyakuppam Railway Street
Near Thulasi Theatre
Thiruvallur - 602 001

3. Durairaj

... Respondents

Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, to issue writ of Certiorarified Mandamus to call for the records from the file of the 1st respondent made in Rc.No.J.17/27052/2021/Arbitration dated 29.03.2022 and Rc.No.J.17/27054-2/2021/Arbitration dated 29.03.2022 and quash the same and further direct the 1st respondent to adjudicate the arbitration petition of the 3rd respondents dated 23.09.2021 and 26.09.2021 subject to the outcome of the Hon'ble Supreme Court pending in SLP (Civil) Diary No.36319 of 2018.

In both W.Ps.

For Petitioner : Mr.Su.Srinivasan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 and R2



ORDER

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This Writ Petition is filed seeking a writ of Certiorarified Mandamus to call for the records from the file of the 1st respondent made in Rc.No.J.17/27052/2021/Arbitration dated 29.03.2022 and Rc.No.J.17/27054-2/2021/Arbitration dated 29.03.2022 and quash the same and further direct the 1st respondent to adjudicate the arbitration petition of the 3rd respondents dated 23.09.2021 and 26.09.2021 subject to the outcome of the Hon'ble Supreme Court pending in SLP (Civil) Diary No.36319 of 2018.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 and 2 and perused the records.

3. The grievance of the petitioner is that the 3rd respondents in both the cases had preferred arbitration petition under Section 3-G (5) of National Highways Act, 1956 seeking enhancement of compensation on 17.12.2020 and 26.09.2021 respectively in which counter affidavit was filed by the petitioner (NHAI) raising objection not to entertain the petitioner pointing



out the interim stay granted by the Hon'ble Supreme Court in SLP (Civil)

Diary No.36319 of 2018 dated 19.11.2018 against the judgment of the Division Bench of this Court dated 25.04.2018 made in W.P.No.9251 of 2016 and batch of cases. However, the 1st respondent/The Arbitrator & District Collector, Chennai, has violated the order of the Hon'ble Supreme Court and passed impugned order on 20.10.2021 and 29.03.2022 and enhanced the compensation. Hence, the present writ petition is filed.

4. There is no need for separate writ petition being filed by each authority of the NHAI and separate order need not be passed therein. The petitioners are at liberty to work out their remedy in the manner known to law.

5. Accordingly, the writ petitions are dismissed at the admission stage itself. Consequently, connected Miscellaneous Petitions are closed. However, there shall be no order as to costs.

17.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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