



NATIONAL HIGHWAYS NO.45 E AND 220.

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Sixth day of June Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD) Nos.1827 to 1830 and 1832 of 2023
in
CMA(MD) SR Nos.66398, 66400, 66401, 66402 and 66399 of 2022

THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS NO.45 E AND 220,
NATIONAL HIGHWAY AUTHORITY OF INDIA
HAVING HIS OFFICE AT PLOT NO.3,
SURIYA TOWERS, 2ND FLOOR,
1ST EAST STREET,
K.K.NAGAR (NEAR MUTHUVELRAJAN HOSPITAL),
MADURAI - 625 020.
PRESENTLY AT NO.1,
AISHWARYAM HEIGHTS,
INDIRA NAGAR,
1ST STREET SENNAMANAICKENPATTI (PO),
THADIKOMBU ROAD,
DINDIGUL - 624 004.

... Petitioner / Appellant
in all CMPs

Vs

1 M.MURUGAN

... 1st Respondent / 1st Respondent
in CMP(MD) No.1827 of 2023



NATIONAL HIGHWAYS NO.45 E AND 220.

1 A.GOVINDARAJ
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... 1st Respondent / 1st Respondent
in CMP(MD) No.1828 of 2023

1 A.NARAYANASAMY

... 1st Respondent / 1st Respondent
in CMP(MD) No.1829 of 2023

1 M.MURUGAN

... 1st Respondent / 1st Respondent
in CMP(MD) No.1830 of 2023

1 S.NAGAVALLI

... 1st Respondent / 1st Respondent
in CMP(MD) No.1832 of 2023

2 THE SPECIAL DISTRICT REVENUE OFFICER,
COMPANY AUTHORITY FOR LAND ACQUISITION,
(NATIONAL HIGHWAYS-45E AND 220),
COLLECTRATE BUILDINGS,
THENI.

... 2nd Respondent / 2nd Respondent
in all CMPs

Prayer in CMP(MD). 1827/ 2023 :

To condone the delay of 673 days in filing the CMA(MD).S.R.No. 66398 of 2022.

Prayer in CMA(MD) SR.No.66398 of 2022:

To call for the records of the order made in dated 31.08.2018 bearing Arbitration O.P.No.09 of 2016 on the file of the Principal District and Sessions Judge, Theni and set aside and allow this C.M.A with costs.

Prayer in CMP(MD). 1828/ 2023 :

To condone the delay of 801 days in filing the CMA(MD).S.R.No. 66399 of 2022.

Prayer in CMA(MD) SR.No.66399 of 2022:

To call for the records of the order made in dated 23.01.2018 bearing Arbitration O.P.No.10 of 2016 on the file of the Principal District and Sessions Judge, Theni and set aside and allow this C.M.A with costs.

Prayer in CMP(MD). 1829/ 2023 :

To condone the delay of 801 days in filing the CMA(MD).S.R.No. 66400 of 2022.



NATIONAL HIGHWAYS NO.45 E AND 220.

Prayer in CMA(MD) SR.No.66400 of 2022:

To call for the records of the order made in dated 23.01.2018 bearing Arbitration O.P.No.11 of 2016 on the file of the Principal District and Sessions Judge, Theni and set aside and allow this C.M.A with costs.

Prayer in CMP(MD). 1830/ 2023 :

To condone the delay of 816 days in filing the CMA(MD).S.R.No. 66401 of 2022.

Prayer in CMA(MD) SR.No.66401 of 2022:

To call for the records of the order made in dated 08.02.2018 bearing Arbitration O.P.No.13 of 2016 on the file of the Principal District and Sessions Judge, Theni and set aside and allow this C.M.A with costs.

Prayer in CMP(MD). 1832/ 2023 :

To condone the delay of 557 days in filing the CMA(MD).S.R.No. 66402 of 2022.

Prayer in CMA(MD) SR.No.66402 of 2022:

To call for the records of the order made in dated 01.12.2018 bearing Arbitration O.P.No.39 of 2016 on the file of the Principal District and Sessions Judge, Theni and set aside and allow this C.M.A with costs.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.R.SIVAKUMAR, Advocate for M/S.SU.SRINIVASAN, Advocate for the petitioner and of and Mr.R.GOVINDARAJ, Advocate for the Respondent No.1 and of Mr.S.P.MAHARAJAN, Special Government Pleader on behalf of the Respondent No.2, the court made the following order:-

The reasons assigned for the delay is that the change in law in view of the subsequent pronouncement of the Hon'ble Supreme Court of India in the Project Director, National Highways Authority of India v. M.Hakeem & Another, reported



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in 2021 (4) CTC 582, that by itself cannot be a reason to condone the delay and

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hence, these civil miscellaneous petitions are dismissed.

sd/-
06/06/2023

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/10/2023

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PKN

To

1 THE PROJECT DIRECTOR,
NATIONAL HIGHWAYS NO.45 E AND 220,
NATIONAL HIGHWAY AUTHORITY OF INDIA
HAVING HIS OFFICE AT PLOT NO.3,
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2 THE SPECIAL DISTRICT REVENUE OFFICER,
COMPANY AUTHORITY FOR LAND ACQUISITION,
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COLLECTRATE BUILDINGS,
THENI.



NATIONAL HIGHWAYS NO.45 E AND 220.

+1CC to M/s.R.GOVINDARAJ, Advocate SR-26666(F), dated 07.06.2023.

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+5CC to M/s.SU.SRINIVASAN, Advocate SR-26883, 26887, 26886, 26885 and 26884 (F), dated 08.06.2023

ORDER

IN

CMP(MD) Nos.1827 to 1830 and 1832 of 2023

in

CMA(MDSRNos.66398,66400,66401, 66402 and 66399 of 2022

Date :06/06/2023

ED/BUC/SAR- (13/06/2023) 5P 9C