



W.P(MD)No.29639 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 13.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.29639 of 2023

1.J.G.Cuthber

2.Tharagai Cuthbert

... Petitioners

Vs.

1.The District Collector,
Kanyakumari District,
Collectorate,
Nagercoil – 629 001.

2.The Competent Authority and Special
District Revenue Officer,
(Land Acquisition – National Highways),,
Observatory Street, Opp. to Collectorate,
K.P.Raod, Nagercoil – 629 001.

3.The National Highways Authority of India (Beneficiary),
Represented by the Project Director,
National Highways Authority of India,
Tirunelveli, Now at Pleasant Nagar,
K.P.Road, Nagercoil.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 1st respondent to consider the representations of the petitioner, dated

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22.02.2023 and 22.08.2023 and Take Arbitration proceedings under section 3G (5), (6) and (7) of the National Highways Act, 1956 and the Arbitration and Conciliation Act, 1996, on the arbitration application filed by the petitioner dated 15.09.2021 against the award of the 2nd respondent in Modification Award No. 2/2014-22/Roc J4/07/2010, dated 17.06.2019 conduct an enquiry and pass an arbitral award, within such time as may be directed by this Court.

For Petitioners : Mr.M.Azeem

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader for R1 & R2.
Mr.Su.Srinivasan,
Standing Counsel for R3.

ORDER

Heard both sides.

2.The petitioners' lands were acquired under the provisions of National Highways Act, 1956. Award was passed by the second respondent. Questioning the same, the petitioners had availed arbitral remedy before the first respondent. As per the statutory scheme, the first respondent must dispose of the matter within twelve months. Now the said period has far been exceeded. The first respondent is directed to



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pass order on the petition mentioned arbitral petition on merits and in accordance with law within a period of two months from the date of receipt of a copy of this order. I make it clear that the first respondent shall not seek extension of time. He shall pass an award within the aforesaid period. I have not gone into the merits of the matter.

3.This writ petition is disposed of accordingly. No costs.

13.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 15.12.2023.

To:-

- 1.The District Collector,
Kanyakumari District,
Collectorate,
Nagercoil – 629 001.
- 2.The Competent Authority and Special
District Revenue Officer,
(Land Acquisition – National Highways),,
Observatory Street, Opp. to Collectorate,
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G.R.SWAMINATHAN, J.

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