



Order dated 09.02.2024 in
W.P.No.31477 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.02.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.31477 of 2018

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R.Gowri

.. Petitioner

Vs.

1. The District Collector-cum-Arbitrator,
Namakkal District.

2. The Competent Authority,
(NHAI)/District Revenue Officer,
NH-7 & 47
Namakkal District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in relation to the impugned proceedings in Na.Ka.7201/2010/Arbitration, dated 26.10.2018, quash the same and further direct the first respondent to hear the claim petitions preferred by the petitioner.

For petitioner : Mr.S.Senthil

For respondents: Mr.A.Selvendran, Spl.G.P.



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ORDER

The petitioner has filed the present Writ Petition praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent in relation to the impugned proceedings in Na.Ka.7201/2010/Arbitration, dated 26.10.2018, quash the same and further direct the first respondent to hear the claim petitions preferred by the petitioner.

2. The land acquisition is made under National Highways Act, whereas the petitioner has filed appeal/representation before the first respondent/District Collector-cum-Arbitrator under Section 3-G(5) of the said Act, but the District Collector had passed the impugned order observing that since the representation/appeal is made beyond the period of three years, the same could not be considered. Though this Court has interpreted as to whether the Limitation Act particularly under Article 137 would apply to the land acquisition matters or not, the matter is pending before the Supreme Court. We are not going into the delay with the applicability of the Limitation Act. The reason is that, admittedly, the Award was passed in the year 2008, whereas the petitioner made application only in the year 2018, i.e. after ten years. Therefore, de-hors the applicability of the Limitation Act, the petitioner has not approached the

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appellate authority within a reasonable time. Therefore, under the above circumstances, the petitioner is not entitled to the relief sought for and the same is liable to be dismissed. The petitioner has not assigned any convincing reason as to why he has not made the representation within a reasonable time before the appellate authority and he has taken such a long time of 10 years. Hence, in the above circumstances, this Court feels that the petitioner is not entitled to the relief sought for in this Writ Petition on the ground of delay and latches

3. With the above observations, the Writ Petition is dismissed. There shall be no order as to costs.

09.02.2024

CS

To

1. The District Collector-cum-Arbitrator,
Namakkal District.
2. The Competent Authority,
(NHAI)/District Revenue Officer,
NH-7 & 47
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P. VELMURUGAN, J

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