



W.P. No.31478 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.31478 of 2018

Indumathi

... Petitioner

Vs.

1. The District Collector cum Arbitrator
Namakkal District

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

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in relation to the impugned proceedings in Na.Ka.7201/2010/Arbitration dated 26.10.2018, quash the same and further direct the 1st respondent to hear the claim petitions preferred by the petitioner.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.T.Arun Kumar

Additional Government Pleader



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ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in relation to the impugned proceedings in Na.Ka.7201/2010/Arbitration dated 26.10.2018, quash the same and further direct the 1st respondent to hear the claim petitions preferred by the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner's land was acquired by the 2nd respondent for the purpose of expansion of NH-7 & 47 and the Award was passed on 31.08.2007. Thereafter, the petitioner invoked Section 3G (5) of the National Highways Act, before the District Collector/Arbitrator on 06.08.2018 for enhanced compensation and the District Collector/Arbitrator namely the 1st respondent herein, passed the impugned order dated 26.10.2018 rejecting the claim of the petitioner stating that the application under Section 3G(5)



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of the National Highways Act has not been filed within a period of three years from the date of Award as per Article 137 of the Limitation Act. He has further stated that the National Highways Act, 1956 has not prescribed any time limit for filing the application and therefore, he invoked Article 137 of the Limitation Act and rejected his claim on the ground of Limitation.

3. It is settled proposition of law that time and again this Court and the Hon'ble Supreme Court have already held that Article 137 of the Limitation Act would not be applicable for the applications made under Section 3G(5) of the National Highways Act. Therefore, the impugned order passed by the 1st respondent is set aside. The matter is remitted back to the 1st respondent to consider the application filed by the petitioner under Section 3G(5) of the National Highways Act on merits and not on the technical ground of limitation.



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4. With the above directions, this Writ Petition is disposed of.

No costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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To

1. The District Collector cum Arbitrator
Namakkal District

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



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P.VELMURUGAN. J.

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