



W.P(MD)No.4042 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4042 of 2024

K.Mailsamy

... Petitioner

Vs.

1.The National Highway Authority of India,
G 5 & 6, Sector 10, Dwarka,
New Delhi.

2.The District Collector,
Coimbatore,
Coimbatore District.

3.The Competent Authority,
District Revenue Officer (Acquisition),
Door No.567, APJ Abdul Kalam Street,
Chennavarayakanpatti,
Dindigul – 624 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the second
respondent Arbitrator to dispose of the arbitration appeal dated



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10.01.2024 preferred by the petitioner under Section 3G (5) of the National Highways Act, 1956 for enhancement of compensation within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Mohamed Rafi
for M/s.Ajmal Associates

For Respondents : Mr.P.Karthik
Standing Counsel for R.1

Mr.M.Lingadurai
Special Government Pleader
for R.2 & R.3

ORDER

Heard both sides.

2. The petitioner's lands were acquired under the provisions of National Highways Act, 1956. Compensation amount was paid to the petitioner. The petitioner feels aggrieved by the quantum. He therefore invokes arbitral remedy available under Section 3 (G) (5) of the National Highways Act, 1956. For directing the second respondent to dispose of the said arbitration petition, the present writ petition came to be filed.



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3. The learned Standing Counsel appearing for the first respondent points out the Section 29 (A) (1) of the Arbitration and Conciliation Act, 1996. It reads as follows:

“29A. Time limit for arbitral award.—(1) The award shall be made within a period of twelve months from the date the arbitral tribunal enters upon the reference.

Explanation.—For the purpose of this sub-section, an arbitral tribunal shall be deemed to have entered upon the reference on the date on which the arbitrator or all the arbitrators, as the case may be, have received notice, in writing, of their appointment.”

In this case, the petition was filed before the arbitrator only on 10.01.2024. The petitioner has rushed to this Court at a very early stage. Only if the arbitrator has failed to discharge his statutory function, the petitioner will be justified in approaching this Court for relief. The writ petition has been filed prematurely.



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4. Granting such liberty to the petitioner to move this Court again at the appropriate stage, this writ petition stands dismissed. There shall be no order as to costs.

22.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

- 1.The National Highway Authority of India,
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New Delhi.
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G.R.SWAMINATHAN, J.

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