

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

MONDAY, THE 28TH DAY OF FEBRUARY 2022 / 9TH PHALGUNA, 1943

WP(C) NO. 6534 OF 2022

PETITIONER:

K V BHASKARAN
S/O. KANNAN, AMRUTHA NIVAS, CHALINGAL, HARIPURAM P.O.,
HOSDURRG TALUK, KASARAGODE ,PIN-671 531

BY ADV AJITH KRISHNAN

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY, MINISTRY OF ROAD, TRANSPORT AND
HIGHWAYS, TRANSPORT BHAVAN-1, PARLIAMENT STREET, NEW DELHI -
110 001
- 2 NATIONAL HIGHWAY AUTHORITY OF INDIA,
REPRESENTED BY ITS CHAIRMAN, G5 & 6 SECTOR 10, DWARAKA, NEW
DELHI-110 075
- 3 THE PROJECT DIRECTOR,
THE NATIONAL HIGHWAY AUTHORITY OF INDIA, PROJECT
IMPLEMENTATION UNIT, (KERALA REGION), TC 36/414(5), KOYIKKAL
VEEDU, KAVU LANE, PALLIKULANGARA, THIRUVANANTHAPURAM, PIN-695
024
- 4 THE ARBITRATOR (DISTRICT COLLECTOR, KASARAGOD),
NATIONAL HIGHWAY AUTHORITY OF INDIA, COLLECTORATE, VIDHYA
NAGAR, KASARAGOD, PIN-671 123
- 5 THE SPECIAL DEPUTY COLLECTOR,
LAND ACQUISITION (NH), KASARAGOD AND COMPETENT AUTHORITY,
ANANGOOR, KASARAGOD, PIN-671 121

SRI.BIDAN CHANDRAN.S.C AND SMT.K.AMMINIKUTTY SR.G.P.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
28.02.2022, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

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JUDGMENT

Dated this the 28th day of February, 2022.

The petitioner says that he has preferred Ext.P3 application before the Statutory Arbitrator, under the provisions of Section 3G(5) of National Highways Act, 1956, ("NH Act" for short hereinafter); and prays that same be directed to be taken up and disposed of within a time frame to be fixed by this Court.

2. Sri.Ajith Krishnan - learned counsel for the petitioner, submitted that his client has impelled valid contentions in Ext.P3 against Ext.P1 Award and that he is confident of obtaining relief, especially because, in Ext.P2 Award issued with respect to an adjacent property, much larger compensation had been paid. He,

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therefore, pleaded that the District Collector – who is the Statutory Arbitrator – be directed to dispose of Ext.P3 without any avoidable delay.

3. Smt.K.Amminikutty – learned Senior Government Pleader, in response, submitted that there are presently several applications pending before the District Collector under Section 3G(5) of the “NH Act” and therefore, that it would not be possible to give any priority to the request of the petitioner, as pleaded by him.

4. Sri.Bidan Chandran – learned Standing Counsel for the National Highway Authority of India (NHAI), also adopted the afore submissions of Smt.K.Amminikutty, but added that when Ext.P3 is disposed of, the authorized officer of the NHAI be also directed to be heard.

Taking note of the afore submissions, I order this

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writ petition to the extent of directing the District Collector, who is also the Statutory Arbitrator, to take up Ext.P3 appeal and dispose of the same, after affording an opportunity of being heard to the petitioner and also the authorized official of the NHAI; thus culminating in an appropriate order and necessary action thereon without any avoidable delay.

The District Collector shall, while the afore exercise is completed, advert specifically to Ext.P2 or to any other material that may be produced before him by the petitioner and his opinion on the same shall be recorded in the resultant order.

Since this Court has not fixed any time frame for disposal of Ext.P3 on account of the request of the learned Senior Government Pleader, I leave liberty to the petitioner to approach this Court for such purpose after 8

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months from the date of receipt of a copy of this judgment, if orders on Ext.P3 is not being issued until then.

**Sd/-
DEVAN RAMACHANDRAN
JUDGE**

Raj/28.02.2022.

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APPENDIX OF WP(C) 6534/2022

PETITIONER EXHIBITS

Exhibit P1	TRUE COPY OF THE PROCEEDINGS IN LAC NO.257 DTD 12.6.2020 ISSUED BY THE 5TH RESPONDENT
Exhibit P2	TRUE COPY OF THE PROCEEDINGS DATED 30.11.2021 IN LAC NO.325 ISSUED BY THE 5TH RESPONDENT
Exhibit P3	TRUE COPY OF THE APPEAL SUBMITTED BY THE PETITIONER TO THE 4TH RESPONDENT
Exhibit P4	TRUE COPY OF THE RECEIPT DATED 22.2.2022 ACKNOWLEDGING THE SUBMISSION OF APPEAL TO THE 4TH RESPONDENT BY THE PETITIONER