
(2021) 11 KL CK 0199
In the High Court Of Kerala
Case No : Writ Petition (C) No. 26759 Of 2021

Nijana P.P

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 26-11-2021

Acts Referred:

Citation : (2021) 11 KL CK 0199

Hon'ble Judges : Devan Ramachandran, J

Bench : Single Bench

Advocate : Joseph Thomas, K.Amminikutty

Final Decision : Disposed Of

Judgement

Devan Ramachandran, J

1. The limited plea made by the petitioner in this case is that the 2nd respondent - District Collector, be directed to take up and dispose of Exts.P3 and P4 interim applications filed by him in Ext.P2 Arbitration Request, before the building in question is demolished.
2. The learned Senior Government Pleader - Sri.Ashwin Sethumadhavan, submitted that the manner in which the Arbitration Request is to be decided cannot be dictated by the petitioner and that the District Collector will certainly conclude upon it in terms of law. He submitted that, however, he will not stand in the way of this Court passing orders to the District Collector to consider Exts.P3 and P4; provided no affirmative declarations are made in favour of the petitioner.
3. Sri.Bidhan Chandran, learned Standing Counsel for the National Highway Authority of India (NHAI), submitted that this writ petition is unnecessary because the petitioner need not have approached the District Collector through Exts.P3 and P4, but could have appointed a private valuer and produced the valuation report before the said Authority, when the Arbitration Request is considered.

4. When I evaluate the afore submissions, it is evident that the petitioner has already approached the 2nd respondent through Exts.P3 and P4. As rightly stated by the learned Senior Government Pleader, the manner in which the said Authority is to decide upon the same cannot be dictated by this Court. I am, therefore, of the firm view that the said respondent must take up Exts.P2 and P3 and dispose of the same, before the demolition of the building is ordered; for which purpose, I direct the parties to appear before him at 11.00 am on 02.12.2021.

Needless to say, the District Collector will be at liberty to decide the interim applications in any manner that he deems apposite and to issue orders as per the provisions of law, without being fettered or hampered by any observation in this judgment.

This writ petition is thus ordered.