



W.P.(MD) No.2557 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.2557 of 2020

and

W.M.P(MD) No.2204 of 2020

R.Saravanan

... Petitioner

Vs.

1.The District Collector/Arbitrator,
Distric Collector Office,
Tiruvarur District.

2.The Project Director,
National Highways Authority of India,
No.54, First Floor,
Natarajapuram North Colony,
Medical College Road,
Thanjavur -613 004.

3.The Competent Authority-cum-
Special District Revenue Officer,
National Highway (LA)-NH 45C,
Tiruvarur District.

... Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India,
praying for issuance of Writ of Certiorarified Mandamus, calling for the
records and proceedings of the first respondent in confirming the award



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in land acquisition case No.61/2017/ஆ2 dated 11.11.2019 and quash the same as illegal and consequently to direct the first respondent to enhance the compensation by considering the nearest village having highest market value which was already determined as compensation for the similar lands in the same land acquisition proceeding by the third respondent and to provide other benefits in the light of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (30 of 2013) within the time period that may be stipulated by this Court.

For Petitioner : M/s.P.Yasmin Begum

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

The petitioner has wrongly invoked the writ jurisdiction of this Court challenging the award passed by the first respondent under the provisions of National Highways Act, 1956. Section 3G(5) of the Act clearly provides that once the claim statement is filed before the District Collector seeking enhancement, the arbitration proceedings would set in.



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Therefore, the award passed by the District Collector has to be challenged only by invoking the provision of Section 34 of the Arbitration and Conciliation Act by filing a petition to set aside the award before the jurisdictional District Court. Therefore, this Writ Petition has to be necessarily dismissed. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

20.03.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes

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Tiruvarur District.
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P.T.ASHA, J.

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