



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2017

CORAM

THE HON'BLE MR.JUSTICE K.KALYANASUNDARAM

W.P. (MD) No.16335 of 2015

WEB COPY

1.T.Maruthamuthu

2.T.Kandan

: Petitioners

-vs-

1.The Arbitrator,

District Collector-Tiruchirapalli,
Tiruchi-620 001.2.National Highways Authority of India,
represented by its
Project Director-Karaikudi,
No.1, Second Floor,
Subramaniapuram 3rd Street,
Karaikudi-630 002.3.Authorised Officer/
Special District Revenue Officer (L.A),
NH-210 & 67, Pudukkottai.4.Secretary to Government of India,
Ministry of Road Transport and Highways (PIC Zone),
Transport Bhawan, 1, Parliament Street,
New Delhi-110 001.5.Chief Secretary to Government of Tamil Nadu,
Secretariat, Chennai-600 009. : Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Mandamus, directing the 4th respondent either to appoint Retired Judicial Officer as an Arbitrator to decide the Arbitral Reference case:RC.C4/AP (Tiru) 01/2012, dated 15.03.2012 pending before the 1st respondent with respect to Lands acquired vide Notification, dated 06.07.2010 under National Highways Act, 1956 or issue suitable direction, directing the 1st and 5th respondents to refer the above said Arbitral Reference Case:01/2012 to the District Mediation Centre, Tiruchirappalli or to NATIONAL LOK ADALAT, for the purpose of fixing Fair Compensation.

For Petitioner : Mr.V.Sitharanjandas

For R1, R3 and R5 : Mr.A.Muthukaruppan
Additional Government PleaderFor 2nd Respondent : Mr.C.Arul Vadivel @ Sekar



For 4th Respondent : Mr.G.Rajaraman
Central Government standing Counsel

O R D E R

The prayer sought for in this writ petition is to direct the 4th respondent, either to appoint a Retired Judicial Officer as Arbitrator to decide the Arbitral Reference case:RC.C4/AP(Tiru) 01/2012, dated 15.03.2012 pending before the 1st respondent with respect to lands acquired, vide Notification, dated 06.07.2010 under National Highways Act, 1956, or issue a suitable direction, directing the respondents 1 and 5 to refer the above said Arbitral Reference Case:01/2012 to the District Mediation Centre, Tiruchirappalli or to NATIONAL LOK ADALAT for the purpose of fixing fair compensation.

2.The case of the petitioners is that their lands to an extent of 7000 sq. metres and 320 sq. metres comprised in Survey Field Nos.1/1A and 1/2B of Kanthalur Village, Thiruverumbur Taluk, Trichy District, were acquired by the respondents for the purpose of formation of National Highways by issuing a notification, dated 06.07.2010. The first respondent passed an award in Award No.35/2011-2012, dated 25.10.2011. Not satisfied with the award, the petitioners have filed Ar.O.P.Nos.4 and 5 of 2013 before the Principal District Judge, Trichy and after contest, the award of the 1st respondent was set aside by the learned District Judge, on 30.10.2014 and the case was remitted back to the first respondent to decide the same afresh.

3.The grievance of the petitioners is that though the lands were acquired in the year 2007 and the 2nd respondent has formed highways and collecting toll, however, they were not paid compensation so far.

4.Heard both sides and perused the materials available on record.

5.There is no dispute with regard to the extent of acquisition of land of the petitioners by the respondents and their entitlement to receive the compensation. It is also not in dispute that the first respondent/Arbitrator passed an award in favour of the petitioners in Award No.35/2011-12 and the award was challenged by the petitioners seeking enhancement of compensation. In other-words, the respondents 2 to 5 have not challenged the award passed by the first respondent. After considering the entire aspects, the learned Principal District Judge, Trichy, set aside the award and remitted the case back to the first respondent to decide the same afresh.

[https://hcservices.courtsofgov.in/hcservices/](https://hcservices.courtsofgov.in/hcservices) Vadival @ Sekar, the learned counsel appearing for the 2nd respondent would submit that the petitioner is not entitled to any relief as sought for in this writ petition and as per the



judgment passed by the learned Principal District Judge, Trichy, the first respondent has to pass an award afresh in accordance with law.

7. Considering the above facts and the submissions made on either side, this writ petition is disposed of with a direction to the first respondent to pass an award afresh in accordance with law, as per the judgment made in Ar.O.P.Nos.4 and 5 of 2013, as expeditiously as possible preferably within a period of two months from the date of receipt of the order copy. No costs.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To,

- 1.The Arbitrator,
District Collector-Tiruchirapalli,
Tiruchi-620 001.
- 2.The Project Director-Karaikudi
National Highways Authority of India,
No.1, Second Floor,
Subramaniapuram 3rd Street,
Karaikudi-630 002.
- 3.Authorised Officer/
Special District Revenue Officer (L.A),
NH-210 & 67,
Pudukottai.
- 4.Secretary to Government of India,
Ministry of Road Transport and Highways (PIC Zone)
Transport Bhawan, 1, Parliament Street,
New Delhi-110 001.
- 5.Chief Secretary to Government of Tamil Nadu,
Secretariat, Chennai-600 009.
- 6.The Additional Government Pleader,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.C.Arul Vadivel, Advocate,SR.61404

+1cc to Mr.V.Sitharanjandas, Advocate,SR.61394

W.P. (MD) No.16335 of 2015

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