

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 29..08..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.27100 of 2017

M.Pachaamuthu Naickar

... Petitioner

-Versus-

1.The Arbitrator-cum-District Collector,
Collectorate,
Villupuram.

2.The Competent Authority,
Special District Revenue Officer,
(LA) NH-68,
Salem.

3.The National Highways Authority of India,
88, 8th Floor, Annex Building, SPIC House,
Mount Road, Guindy, Chennai 600032.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus calling for the records leading to the issue of the impugned order passed by the 1st respondent dated 22.02.2017 in Na.Ka.Abit/A2/114/2017 and to quash the same and consequently direct the 1st respondent to treat the land of the petitioner measuring 3220 square meter comprised in S.No.330/2A1B as plot land and award compensation accordingly.

For Petitioner : M/s.Paul and Paul

For Respondents : Mr.D.Raja, AGP for R1
and R2

Mr.Richardson Wilson
for R3

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ORDER

This writ petition has been filed challenging the order/award dated 22.02.2017 in Na.Ka.Arbit/A2/114/2017 passed by the 1st respondent under Section 3-G(5) of the National Highways Act refusing to enhance the compensation for the acquired land.

2. According to the learned counsel appearing for the petitioner, the 1st respondent - Arbitrator without considering none of the objections raised by the petitioner has simply rejected the claim of the petitioner for enhanced compensation.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that in view of Section 3-G(6) of The National Highways Act, as against the order passed by the 1st respondent/Arbitrator under Section 3-G(5) of the National Highways Act, 1956, the petitioner has got an alternative remedy under Section 34 of the Arbitration and Conciliation Act, 1996. When that be so, the petitioner cannot straightaway invoke the writ jurisdiction of this court and therefore, the petitioner may be directed to challenge the award before the concerned Principal District Court as per Section 34 of The Arbitration and Conciliation Act, 1996.

4. I have considered the rival submissions carefully.

5. As rightly contended by the learned counsel for the respondents 1 and 2, the award passed by the 1st respondent-Arbitrator is an award within the purview of The Arbitration and Conciliation Act, 1996 and when there is a remedy available to the petitioner to challenge the order under Section 34 of the Arbitration and Conciliation Act, without availing such remedy, the petitioner cannot challenge the same before this court.

6. In view of the above, the writ petition is dismissed, however, with liberty to the petitioner to challenge the order/award in the manner known to law before the appropriate forum. The Registry is directed to return the original Award filed along with the writ petition to the petitioner to enable him to prefer an appeal, if so advised. No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

kmk
To

1.The Arbitrator-cum-District Collector,
Collectorate, Villupuram.

2.The Competent Authority,
Special District Revenue Officer,
(LA) NH-68, Salem.

3.The National Highways Authority of India,
88, 8th Floor, Annex Building,
SPIC House,Mount Road,
Guindy, Chennai 600032.

4. The Section Officer,
E.R. Section, High Court,
Madras.

+lcc to Mr.Paul & Paul, Advocate, S.R.No. 59866
+lcc to Mr.Wilson Associates, Advocate, S.R.No. 59472
+lcc to the Government Pleader, S.R.No. 59757

W.P.No.27100 of 2017

PA(CO)
GN(18/09/2018)



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