

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2018

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH
and
THE HON'BLE MR. JUSTICE M.V. MURALIDARAN

W.P. No.2617 of 2018 &
W.M.P. Nos.5162 and 16322 of 2018

T. Ashok Surana
Managing Partner of Surana Industries
S/o Late G. Tejmull Surana
44, Kutchery Road
Mylapore
Chennai 600 004
Petitioner(Party in person)
vs.

- 1 The Competent Authority
National Highways Authority of India
Kancheepuram Collectorate
Kancheepuram
 - 2 The Project Director
National Highways Authority of India
Sri Towers III Floor
DP 34 SP Industrial Estate
Guindy
Chennai 600 032
 - 3 The Authorised Officer
Small Industries Development Bank of India
Overseas Towers
756L Anna Salai (Opp. TVS)
Chennai 600 002
 - 4 The Authorised Officer
Indian Bank
ARMB 1 Branch
55, Ethiraj Salai
Egmore
Chennai 600 008
- Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the first respondent to make a fresh award as per the provisions of the NH Act relating to (Manner of Depositing the amount by the Central Government with the Competent Authority for acquisition of Land) Rules, 1988 along with applying the provisions of the Right to

Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, with effect from 01.09.2015 to the National Highways Act, 1956, without seeking prior approval of the second respondent and for the third and fourth respondents to present their claim against the petitioner, especially with regard to limitation, simultaneous proceedings, etc., raised in this petition.

For petitioner Mr. T. Ashok Surana - Party in person

For R2 Mrs. S. Sumathy

For R3 Mr. C.P. Hemkumar
for M/s. Ganesh & Ganesh

For R4 Mr. Jayesh B. Dolia
for M/s. Aiyar & Dolia

ORDER

(Order of the Court was made by P.N. PRAKASH, J.)

This writ petition has been preferred seeking the following relief:

"a writ of mandamus directing the first respondent to make a fresh award as per the provisions of the NH Act relating to (Manner of Depositing the amount by the Central Government with the Competent Authority for acquisition of Land) Rules, 1988 along with applying the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, with effect from 01.09.2015 to the National Highways Act, 1956, without seeking prior approval of the second respondent and for the third and fourth respondents to present their claim against the petitioner, especially with regard to limitation, simultaneous proceedings, etc., raised in this petition."

2 Ashok Surana, the petitioner herein, is the Managing Partner of Surana Industries. According to him, the said firm owns a land at Ambattur, Chennai, a part of which has been acquired by the National Highways Authority of India. It is his further case that the same land has been given as collateral security for the loan availed from Indian Bank by Tetrahedron Ltd. and Tetrahedron Beverages Pvt. Ltd., for which, he is the Managing Director.

3 On a perusal of the typed set of papers, it is seen that in respect of the aforesaid land, a notification under Section 3-A(1) of the National Highways Act, 1956, was issued on

27.09.2005 and eventually, the final award was passed on 30.11.2016 and thereafter, this writ petition has been preferred seeking the aforesaid relief.

4 Heard the petitioner, who appeared as party in person, Mrs. Sumathy, learned counsel for the second respondent, Mr.C.P.Hemkumar, learned counsel representing M/s. Ganesh and Ganesh, learned counsel on record for the third respondent and Mr.Jayesh B. Dolia, learned counsel representing M/s.Aiyar & Dolia, learned counsel on record for the fourth respondent bank.

5 In the opinion of this Court, this writ petition is not maintainable, because, the award has to be challenged in the manner known to law provided under the National Highways Act, 1956 and the Arbitration and Conciliation Act, 1996 and a mandamus, as sought by the petitioner cannot be granted.

In the result, this writ petition fails and is accordingly dismissed, however, sans costs. Connected W.M.P.s are closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

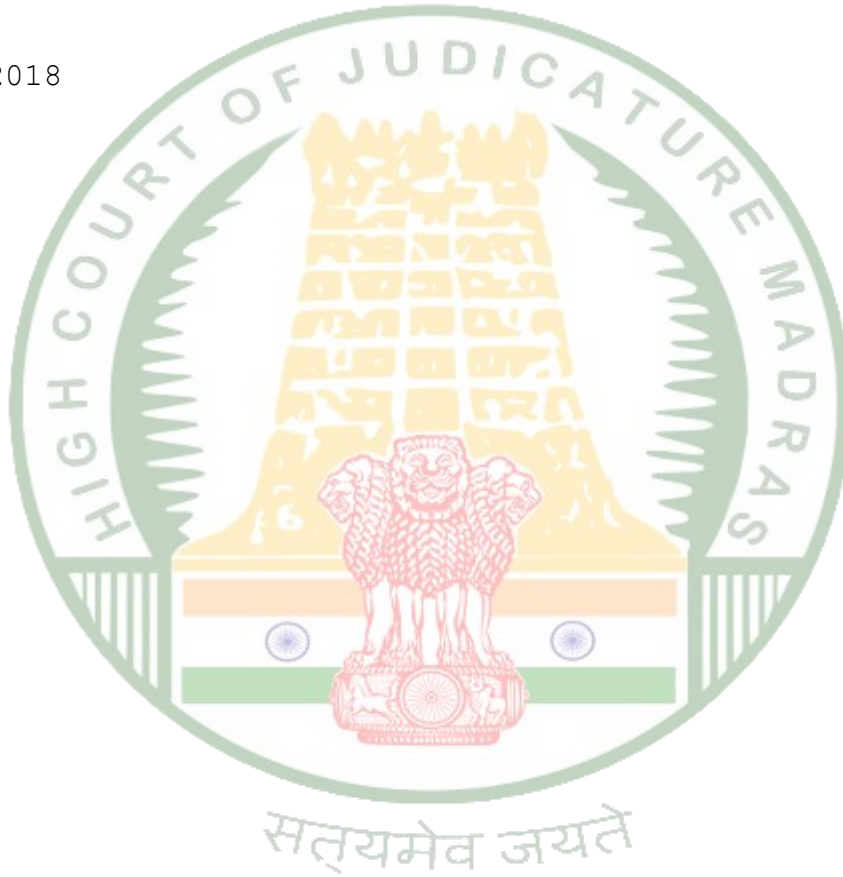
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+1cc to M/s. Aiyar & Dolia, Advocate sr.no.76166
+1cc to Mrs.S.R.Sumathy, Advocate sr.no.75771

W.P. No.2617 of 2018

kj(co)
nr 05/12/2018



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