

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 12.11.2018****CORAM****THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN****W.P (MD) .No.15863 of 2018****WEB COPY**

Ajitha

.. Petitioner

Vs.

1. The District Collector,
Kanniyakumari District.

2. The District Revenue Officer & Project Director,
Thanga Narkar Salai Thittam,
(Kanniyakumari to Thiruvananthapuram,
Nagercoil to Tirunelveli Four Way Track)
Nagercoil, Kanniyakumari District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for records relating to the impugned order passed by 1st respondent vide Oo.2/41990/2017, dated 10.01.2018 and quash the same and consequently direct the respondents to give fair compensation to the Petitioner in consonance with adjacent property situated in Sy.No.288/9, Eraniel Village.

For Petitioner	: Mr.K.P.Narayanakumar
For Respondents	: Mr.M.Rajarajan, Government Advocate

ORDER

The petitioner's lands were acquired under the National Highways Act, 1956. Aggrieved by the quantum of compensation awarded by the second respondent, the petitioner moved the first respondent under Section 3-G(5) of the National Highways Act. The first respondent passed the impugned order, dated 10.01.2018, negating the claim of the petitioner for enhancement. Challenging the same, this writ petition has been filed.

2.As per Section 3-G(5) of the National Highways Act, if the amount determined by the competent authority is not acceptable to the parties, the amount is to be determined by the arbitrator to be appointed by the Central Government. The District Collector is now the arbitrator in these cases. In this case, the District Collector, Kanniyakumari District passed the impugned order under Section 3-G(6) of the National Highways Act. The provisions of the Arbitration and Conciliation Act 1996, shall apply to arbitrate under this Act. Therefore, this writ petition is not maintainable.



3. Accordingly, this writ petition stands dismissed without prejudice to the right of this petitioner to work out his remedy as per law. No costs.

Sd/-

Assistant Registrar (AD-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Kanyakumari District.
2. The District Revenue Officer & Project Director,
Thanga Narkar Salai Thittam,
(Kanyakumari to Thiruvananthapuram,
Nagercoil to Tirunelveli Four Way Track)
Nagercoil, Kanyakumari District.

+1 cc To Mr.K.P.Narayanakumar ADVOCATE IN SR NO.95030

+1cc to Special Government Pleader Sr.No.94963

TM

MK/KK/RSK/SAR 3/28.12.2018/2P/5C

W.P (MD) .No.15863 of 2018
12.11.2018