



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.10410 of 2017

K.Manokaran

... Petitioner

-vs-

1. The District Collector cum Sole Arbitrator,
Theni District, Theni.

2. The Competent Authority cum
District Revenue Officer,
Theni.

3. The Project Director,
National Highways Authority of India,
Plot No.3, Soorya Towers,
2nd floor, 1st East Street,
K.K.Nagar, Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari call for the records relating to the impugned order passed by the 1st respondent bearing Na.Ka.No.A.P.No.118/2016/Theni/NH-45E & 220/Alagu-II dated 05.04.2017 and quash the same.

For Petitioner : Mr.M.Gnanagurunathan

For R1 : Mr.J.Gunaseelan Muthiah
Government Advocate

For R2 : M/s.R.Meenakumari

For R3 : Mr.C.Arul Vadivel @ Sekar

ORDER

This writ petition has been filed seeking to quash the impugned order of the first respondent in Na.Ka.No.A.P.No.118/2016/Theni/NH-45E & 220/Alagu-II dated 05.04.2017.

learned counsel for the second respondent and the learned counsel for the third respondent.

3.The case of the petitioner is that the property in S.No.1477/1A, Melakudalore (North) Village, Uthamapalayam Taluk, Theni District belongs to him, in which, 50 sq. mts. of the said land was acquired by the Government for the purpose of laying four way road and compensation was also granted for the acquired land. Subsequently, for additional requirements, another extent of 2116 sq. mts of land was acquired and seeking enhancement of compensation for the land subsequently acquired, the petitioner has filed an appeal before the first respondent. But the first respondent rejected the claim of the petitioner stating that he is not entitled to get enhancement of compensation. Aggrieved by the same, the petitioner is before this Court by filing the present writ petition.

4.The third respondent has filed a detailed counter affidavit, wherein it is stated that the Arbitrator/first respondent herein, after affording an opportunity of hearing to the petitioner and also considering the documents produced by the petitioner, has rightly fixed the land value and granted compensation. It is also stated that if the petitioner is aggrieved by the order of the first respondent, he can very well file an appeal before the Principal District Court, Theni by invoking relevant provision under the Arbitration and Conciliation Act, 1996.

5.After making elaborate argument, the learned counsel appearing for the petitioner seeks liberty to file further appeal under Section 34 of the Arbitration and Conciliation Act, 1996 before the competent forum.

6.In view of the above, this writ petition is closed, granting three weeks time from the date of receipt of a copy of this order to the petitioner to file an appeal before the appropriate forum by invoking relevant provision of the said Act. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

The District Collector cum Sole Arbitrator,
Theni.



+1cc to M/s.R.Meenakumari, Advocate Sr.No.91140
+1cc to Mr.M.Gnanagurunathan, Advocate Sr.No.91183
+1cc to Mr.C.Arul Vadivel @ Sekar, Advocate Sr.No.91200
+1cc to Spl.Government Pleader Sr.No.91575

MJ
WEB COPY

VB/MR/SAR3/03/01/2018/3P/6C

W.P (MD) No.10410 of 2017
06.12.2017