



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.23626 of 2018

K.Sumathi

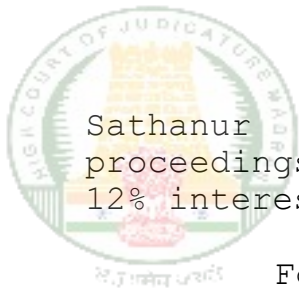
... Petitioner

/Vs./

- 1.The Deputy General Manager cum Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.1, 2nd Floor,
Subramaniyapuram 3rd Street,
Karaikudi - 630 002.
- 2.The District Collector and Land Acquisition Arbitrator,
Collector's Office,
Tiruchirappalli.
- 3.The Competent Authority and Special District Revenue Officer,
(Land Acquisition),
National Highways,
2nd Floor, Collector Office,
Tiruchirappalli - 620 001.
- 4.The Competent Authority and Special District Revenue Officer,
(Land Acquisition),
National Highways,
Trichy - Karaikudi Unit,
Collectorate Complex,
Pudukkottai.
- 5.The Special Tahsildar,
(Land Acquisition) National Highways 67,
Trichy - Karaikudi Unit,
Collector's Office,
Tiruchirappalli - 620 001.

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus pertaining to the impugned order passed by the 2nd respondent in his proceedings in Land Acquisition Arbitrator case No.6/2015 dated 19/02/2018 and quash the same as illegal and consequently direct the 2nd respondent to fix the compensation amount for the lands acquired from the petitioner as per the proceedings issued by the Sub Registrar,



Sathanur in Na.Ka.No.225 / 2012 dated 21/09/2012 and also proceedings in Na.Ka. R.T.I.No.9 of 2018 dated 04.05.2018 along with 12% interest thereon.

For Petitioner : Mr.R.Sureshkumar
For Respondents : Mr.M.Rajarajan
Government Advocate

ORDER

The petitioner questions the arbitration award passed by the second respondent under Section 3G(5) of the National Highways Act, 1956.

2. I am of the view that this writ petition is not maintainable because as per Section 3G(6) of the National Highways Act, 1956, the provisions of Arbitration and Conciliation Act, 1996 shall apply to every arbitration under the National Highways Act, 1956. Therefore, remedy available to the petitioner is under the Arbitration and Conciliation Act, 1996 and filing of writ petition under Article 227 of the Constitution of India cannot be a remedy.

3. With the above observations and liberty to the petitioner, this writ petition is dismissed as not maintainable. No costs.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar(CS III)

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To

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National Highways Authority of India,
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4.The Competent Authority and Special District Revenue Officer,
(Land Acquisition),
National Highways,
Trichy - Karaikudi Unit,
Collectorate Complex,
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5.The Special Tahsildar,
(Land Acquisition) National Highways 67,
Trichy - Karaikudi Unit,
Collector's Office,
Tiruchirappalli - 620 001.

1CC TO MR. R. SURESH KUMAR, ADVOCATE SR 97486
1CC TO THE SPL GOVT PLEADER SR 97584

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Order made in
W.P. (MD) No.23626 of 2018
28.11.2018