

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2019

CORAM :

THE HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

W.P.No.4332 of 2013
and M.P.No.1 of 2013

K.Shrikala

... Petitioner

Vs.

1. The District Collector-cum-Arbitrator,
(LA-NH7), Collectorate,
Dharmapuri District.
2. The Special Tahsildar,
(LA) Unit 1/11,
National Highways - 7,
Dharmapuri - 5.
3. The District Revenue Officer,
Land Acquisition Officer,
NH - 7, Dharmapuri District - 636 705.
4. The Project Director,
National Highways Authority of India,
PIU, Salem, Door No.212-3/D3-1,
Sri Nagar Colony,
Narasothipatti, Salem - 636 004.

(R4 is impleaded vide order dated 22.03.2019
made in W.M.P.No.4754 of 2019 in
W.P.No.4332 of 2013 by SPJ)

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India, praying in the nature of Writ of Certiorarified Mandamus, to call for the records relating to the proceedings in S.R.No.19/2007UI dated 27.01.2013 passed by the 1st respondent, quash the same and consequently, direct the 1st respondent to conduct the arbitral proceeding according to the provisions of Arbitration and Conciliation Act, 1996.

For Petitioner : Mr.M.Elango

For 1st to 3rd

Respondents: Mr.Akhil Akbarali
Government Advocate

For 4th Respondent : No appearance

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O R D E R

The petitioner in this Writ Petition, challenges an order dated 27.01.2013 passed by the first respondent/District Collector-cum-Arbitrator, Dharmapuri District, fixing the compensation at the rate of Rs.59/- per sq.ft.

2. The National Highways Authority of India/4th respondent initiated proceedings to acquire land in Reddihalli Village, Dharmapuri District, for widening of NH-7 between Krishnagiri to Thoppur Ghat Section. Notification under Section 3 (A) of the National Highways Act, 1956, was issued. Proceedings under the National Highways Act, were started for calculating the compensation, to be paid to the land owners. The compensation has been determined by the competent authority, who is the District Collector/Arbitrator, Dharmapuri District. Section 3 G (6) of the National Highways Act provides that the proceedings under the National Highways Act are governed by the Arbitration and Conciliation Act, 1996.

3. The order impugned in this case is passed under Section 3 G (1) of the National Highways Act. Award can be challenged only by filing an application under Section 34 of the Arbitration and Conciliation Act, before the Court of competent jurisdiction. The Writ Petition is therefore, not maintainable. The Award was passed on 27.01.2013 and the Writ Petition has been filed on 16.02.2013. The benefit of Section 14 of the Limitation Act would therefore, be available to the petitioner. The petitioner seeks permission of this Court to withdraw the Writ Petition to file an appropriate application under Section 34 of the Arbitration and Conciliation Act. The petitioner may do so within a period of two (2) weeks from today (05.04.2019). On such application under Section 34 of the Arbitration and Conciliation Act, being filed, the competent Court would extend the benefit of Section 14 of the Limitation Act to the petitioner and hear the objection of Award on merits.

4. Since the acquisition is of the year 2013, the application under Section 34 of the Arbitration and Conciliation Act be heard and disposed of within a period of one year from the date of filing of the said-application.

With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

To Sub Assistant Registrar

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+1cc to Mr.M.Elango, Advocate sr.no.34113

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cs 15/04/2019

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