

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2019

CORAM

THE HONOURABLE Dr.Justice G.JAYACHANDRAN

W.P.No.25030 of 2019
and WMP.Nos.24597, 24598 of 2019

P.Gengamuthu

... Petitioner

vs.

1. The District Collector/Arbitrator,
National Highways, Villupuram District,
Villupuram.
2. The Authorised Officer/District Revenue Officer,
(Land Acquisition), National Highways - 68
Collectorate,
Salem, Salem District. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.(Arbit) AA2/23231/2013 dated 14.08.2018 and quash the same and consequently directing the respondents to fix the higher compensation to the petitioner's land situated in S.No.483/1B1, Pidagam Village, Ulundurpettai Taluk, Villupuram District.

For Petitioner : Mr.C.Prakasam
For Respondents : Mr.D.Raja
Additional Government Pleader

सत्यमेव जयते

O R D E R

The prayer in the writ petition is for issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.(Arbit) AA2/23231/2013 dated 14.08.2018 and quash the same and consequently directing the respondents to fix the higher compensation to the petitioner's land situated in S.No.483/1B1, Pidagam Village, Ulundurpettai Taluk, Villupuram District.

2. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondent.

3. The grievance of the writ petitioner is that his agricultural land at Pidagam Village, Ulundurpettai taluk, Villupuram district was acquired by the respondent for National Highways-68-bypass road project. The respondent has awarded compensation of Rs.25 per square metre by award dated 08.12.2009. The award was very minimum and it was fixed without taking into consideration of the market price and therefore he preferred an appeal under Section 3-G(5) of National Highways Act to the first respondent, but the first respondent, without considering the documents filed in support of his claim, has confirmed the order passed by the second respondent through his proceedings dated 14.08.2018.

4. According to the petitioner, the first respondent has not considered the provisions of Section 26 to 30 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013). Since the fixation of compensation by the first respondent/Arbitrator is not in consonance with market price and in provisions of Section 26 to 30 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013), the present writ petition is filed.

5. The learned Additional Government Pleader appearing for the respondents would submit that if any person aggrieved by the award of the arbitrator, he has to prefer petition before the Principal Civil Court challenging the arbitration award and writ petition is not the appropriate forum.

6. This Court has consistently taken a view that arbitration award passed by the District Collector under the Highways Act is to be challenged under Section 34 of the Arbitration and Conciliation Act, 1996 before the competent Court. When there is an alternative efficacy available to the petitioner, this Court cannot interfere with the impugned order.

7. Accordingly the writ petition stands dismissed and the petitioner is at liberty to pursue his remedy under the statute, in accordance with law. No costs. Consequently connected miscellaneous petitions are also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

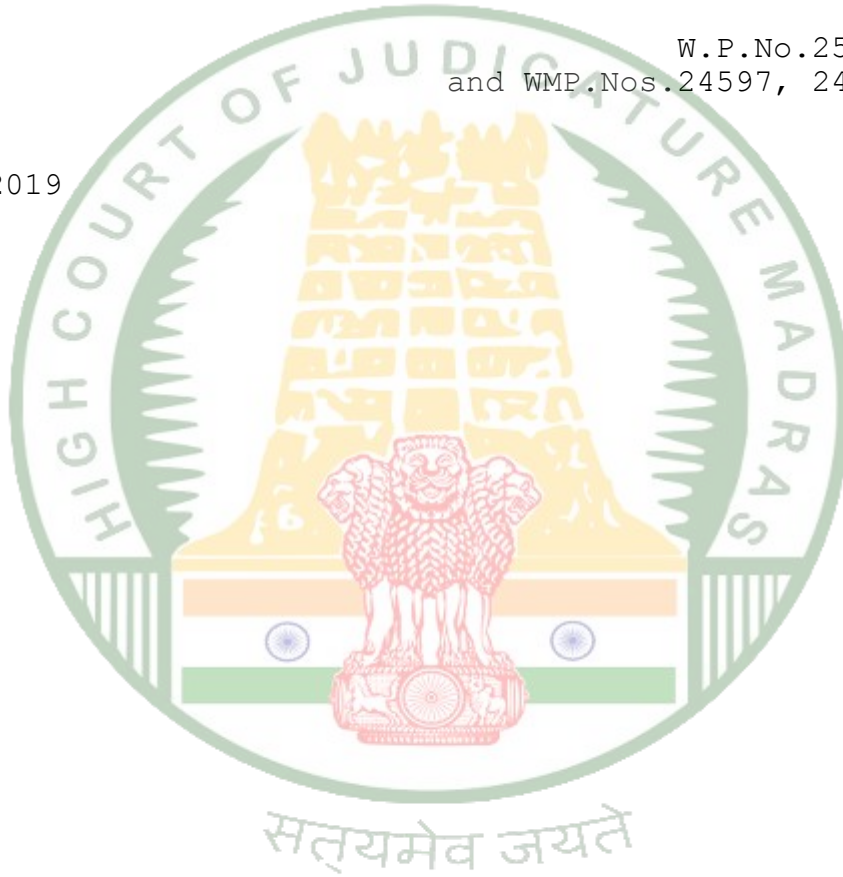
To

1. The District Collector/Arbitrator,
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2. The Authorised Officer/District Revenue Officer,
(Land Acquisition), National Highways - 68
Collectorate,
Salem, Salem District.

+lcc to the Government Pleader, S.R.No.74679

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RSI (CO)
CS/03/10/2019



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