



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WEB COPY

W.P. (MD) No.8829 of 2019
and W.M.P. (MD) No.6847 of 2019

PR.Meenal

... Petitioner

Vs.

1.The District Collector cum Arbitrator
Pudukottai District,
Pudukottai.2.The Authorised Officer cum Special District Revenue Officer,
Lands Acquisition (National Highways)
Collectorate,
Pudukottai.3.The Special Tahsildar,
Land Acquisition
National Highways
Kulathur,
Pudukottai District.4.The Project Director,
National Highway of India,
Karaikudi

... Respondents

(R4 has been suo motu impleaded vide
order of the Court dated 12.04.2019)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the 1st respondent in his proceedings in Ni.Mu.D5/7201/2017 dated 10.01.2019 and quash the same as illegal and consequent direction may be issued to the 1st respondent to conduct fresh arbitration.

For Petitioner
For Respondents:Mr.T.A.Ebenezer
:Mr.K.Chellapandian,
Additional Advocate General,
Assisted by Ms.V.P.M.Vaishnavi
Government Advocate**ORDER**

Challenging the impugned order passed by the first respondent dated 10.01.2019 and for a consequential direction to the first respondent to conduct fresh arbitration, the writ petition has been filed.



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

3. The petitioner's land has been acquired under National Highways Act for highways purpose and for getting higher compensation, the petitioner filed an arbitration petition before the first respondent under Section 3G(5) of the National Highways Act (hereinafter referred to as 'the Act') and the same has been rejected by the present impugned order dated 10.01.2019 by the first respondent. Challenging the same, the present writ petition has been filed.

4. Once an order is passed by the District Collector, who is the first respondent herein, under Section 3G(5) of the Act, it is nothing but an order of an Arbitrator under the provisions of the Arbitration and Conciliation Act, 1996 therefore, as against the said order passed under Section 3G(5) of the Act, the aggrieved party can file a petition challenging the said order before the appropriate Court under Section 34 of the Arbitration and Conciliation Act, 1996.

5. In earlier occasions, similar matters have already been disposed of by this Court in the similar lines of legal position and therefore, since this order is one of such order passed by the first respondent under Section 3G(5) of the Arbitration and Conciliation Act, the remedy open to the petitioner to challenge the impugned order is only lies before the Principal District Judge concerned, who exercise the jurisdiction under Section 34 of the Arbitration and Conciliation Act, 1996. In that view of the matter, the present writ petition cannot be entertained. Accordingly, the writ petition fails and the same is dismissed.

6. However, the learned counsel appearing for the petitioner seeks liberty to approach the competent civil Court, without insisting upon the limitations, since the issue has been pending before this Court. The said liberty is also given to the petitioner and if any such Arbitration O.P. is filed before the appropriate Court by the petitioner, challenging the impugned order, the same shall be entertained by the concerned Court, without insisting the limitation aspect, since the issue has been pending in the writ petition for quite some time. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The District Collector cum Arbitrator
Pudukottai District,
Pudukottai.

2.The Authorised Officer cum Special District Revenue Officer,
Lands Acquisition (National Highways)
Collectorate,
Pudukottai.

3.The Special Tahsildar,
Land Acquisition
National Highways
Kulathur,
Pudukottai District.

4.The Project Director,
National Highway of India,
Karaikudi.

+1 CC to SPL GP SR-73504.

+1 CC to M/s.T.A.EBENEZER, Advocate SR-73580.

**W.P. (MD) No.8829 of 2019
and W.M.P. (MD) No.6847 of 2019
03.07.2019**

CS: 17/07/2019 3P 7C