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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.7865 of 2020
and
W.M.P.No.9272 of 2020

R.Kalavathy
W/O S.Ramalingam

... Petitioner

Vs.

1. The District Collector,
Villupuram/
The Arbitrator under
The National Highways Act, 1956.

2. The Competent Authority,
Special District Revenue Officer,
National Highways 68,
Salem - 4.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of writ of certiorarified mandamus, to call for the records and quash the Award/Order passed by the 2nd respondent, in his proceedings the Spl.DRO.ROC No.295/2009 NH-68 dated 27.10.2009 as modified by the 1st respondent in his Na.Ka.(Arbit)Aa2/14837/2013 dated 27.06.2019 and direct the respondents to pay petitioner compensation as per The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013) and grant such other reliefs as are deemed fit.

For Petitioner : Mr. D.Baskar
For Respondents : Mr. D. Raja,
Additional Government Pleader

O R D E R

The subject matter of challenge in the present writ petition is the award that was passed by the second respondent on the claim made by the petitioner who is seeking for enhancement of compensation for the properties acquired under



the National Highways Act, 1956.

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

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3. In the considered view of this Court, the writ petition will not lie against the award passed under the National Highways Act. The appropriate remedy that has to be exhausted by the petitioner is by filing an application under Section 34 of the Arbitration and Conciliation Act, 1996.

4. In view of the above, liberty is given to petitioner to work out his remedy by filing appropriate application challenging the award passed by the second respondent.

5. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(AD I)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Villupuram/
The Arbitrator under
The National Highways Act, 1956.
2. The Competent Authority,
Special District Revenue Officer,
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RGN(CO)
KKV/13/07/2020