IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.4309 of 2019

1 K.AYYAVU

2 RANI

3 RAMASWAMY

4 PONMALAI

5 VENKATACHALAM

6 RASAPPAN

7 PALANIVEL

8 VENKATACHALAM

9 ELANGOVAN

10 SUBRAMANIAN

11 KALIMUTHU

12 SENGODAGOUNDER

13 NALLAIYAGOUNDER

14 JAYARAMAN

15 SRI RANGANATHAN

16 PERIYASAMY

17 PERUMAYEE

18 PONNUPAIYAN @ SENGODA GOUNDER

19 RAVICHANDRAN

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20 SEKAR

21 KUMAR

22 MANIMUTHU

23 K. RAJU

24 A. SENGOTTAIYAN

25 S. THENMOZHI

26 S. RAMAMOORTHY

27 R. SELVAM

28 SELVAM

29 S. SANTHI

30 SARAVANAN

31 CHITRA

32 T. CHANDIRA

33 CHANDIRA

34 KAVITHA

35 JANAKI

36 PRESIDENT
SOCIETY CONGREGATION
SISTERS ST.JOSEPH CLUNY
FATIMA CONVENT, LINE MEDU,
GUGAI, SALEM.

37 THANGARAJAN

38 D. VENKATESAN

39 JAYAMANI KAMARAJ

40 K. RAJU

41 VALARMATHI

HIGH COURT OF JUDICATURE MADRAS
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42 SRI MURGAANDHA SATHU SABAI MADALAYAM
SRI KADSHINAMOORTHY THIRUKOIL
IRAIPANI MANDRA COMMITTEE
SRI DAKSHINAMOORTHY TEMPLE
SEELANAICKENATTY POST
SALEM.

43 K. RAJU .. Appellants

vs.

1 THE DISTRICT COLLECTOR AND SOLE ARBITRATOR,
SALEM COLLECTORATE
SALEM - 636 001.

2 SPEICAL DRO (LAND ACQUISITION) OFFICE
NATIONAL HIGHWAYS NO.68
RAM NAGAR, SWARNAPURI II GATE
SALEM - 636 004

AND

PRESENTLY AT SPECIAL DRO (LA) SALEM - CHENNAI
GREEN FIELD CORRIDOR PROJECT,
NH 179 a & 68, STREET, SALEM,
ROOM NO.414, IV FLOOR,
COLLECTOR OFFICE BUILDING,
SALEM - 636 001.

3 SPECIAL DISTRICT REVENUE OFFICE (LA)
NH.7, 46 AND 47
SALEM - KRISHNAGIRI DISTRICTS
KRISHNAGIRI. .. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 15.10.2019 in W.P.No.29258 of 2019 on the file of this Court.

Prayer in WP. 29258 of 2019:
Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, proceedings of the first respondent dated 21.06.2019 in Na.ka.No.7451 of 2018 and declare the same as null and void as Arbitrary, violative of principles of natural justice contrary to law and established legal practices.

For Appellants : Mr.P.B.Sampath Kumar

For Respondents : Mr.V.Anandhamurthy
Addl. Govt. Pleader

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JUDGMENT
(Delivered by The Hon'ble Chief Justice)

We have heard learned counsel for the appellants at length, who contends that the observation made by the learned Single Judge that the proceedings can be undertaken by way of arbitration would be a far- fetched remedy keeping in view the long standing litigation, which the appellants had to pursue for the purpose of seeking their rightful claim. Learned counsel for the appellants has invited the attention of the Court to the merits of the claim to contend that ex facie such a claim could not have been denied and therefore, the appellants should not be compelled to undertake the process as suggested by the learned Single Judge.

2. Having considered the submissions raised and the past litigation as well as the further fact that in respect of solatium and such other amounts, the matter has already reached the Apex Court at the instance of the appellants, we are not inclined to entertain this appeal, however without prejudice to the rights of the appellants to seek remedy as indicated in the impugned judgment or otherwise in accordance with law. It will be open to the appellants to press for such payments as may be permissible and admissible either under the provisions of law or under any adjudication already made between the parties, including any inter-parties judgment, in respect of any such amount that can be claimed under law.

The appeal is disposed of with the said observation. No costs.

Sd/-

Assistant Registrar (CO)

//True Copy//

Sub Assistant Registrar

bbr

To

1 THE DISTRICT COLLECTOR AND SOLE ARBITRATOR,
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SALEM - 636 001.

2 THE SPEICAL DRO (LAND ACQUISITION) OFFICE
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SALEM - KRISHNAGIRI DISTRICTS
KRISHNAGIRI.

+1cc to Mr.P.B.Sampath Kumar, Advocate, S.R.No. 4521
+1cc to the Government Pleader, S.R.No. 4777

W.A.No.4309 of 2019

RK(CO)
GN(07/02/2020)

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