



W.P. (MD) Nos.1822, 1824, 1826 and 1946 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.02.2020

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) Nos.1822, 1824, 1826 and 1946 of 2020

WEB COPY

Mariappan	:Petitioner in W.P. (MD) No.1822 of 2020
Velayutham	:Petitioner in W.P. (MD) No.1824 of 2020
Ravi	:Petitioner in W.P. (MD) No.1826 of 2020
Gunasekaran	:Petitioner in W.P. (MD) No.1946 of 2020

vs.

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Special District Revenue Officer,
National Highway -45C (Land Acquisition),
Vikiravandi-Kumbakonam-Thanjavur Branch,
Thiruvaru.

3.The Tahsildar,
Thiruvidaimaruthur Taluk,
Thanjavur District.

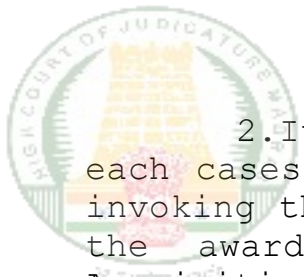
... Respondents in all cases

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in his proceedings in L.A.Appl.No.11/2018/I1, dated 02.11.2019 issued by the first respondent and quash the same as illegal and consequently, to direct the second respondent to enhance the award amount of the acquired property to the petitioner and to allot alternate place for the survival of the petitioner and to give Government employment to anyone of the family members of the petitioner.

For Petitioner	:Mr.A.Rajaram
For R1 and R3	:Mr.C.Ramar
	Additional Government Pleader
For R2	:Mr.K.K.Senthil
	(In all cases)

COMMON ORDER

In all these cases, the order passed by the District Collector, as an Arbitrator in exercise of his power under Section 3(G)5 of National Highways Act, 1956 is put to challenge.



2.It is stated that the lands belong to the petitioners, in each cases, were acquired by the National Highways authorities by invoking the provisions of National Highways Act 1956. As against the award fixing compensation for the lands by the Land Acquisition Officer, the petitioners have earlier preferred appeal before the District Collector under Section 3(G)5 of the Act. The District Collector, by order, dated 02.11.2019, has passed the impugned order. Aggrieved by the order passed by the District Collector, the above Writ Petitions have been filed.

3.From the award of the District Collector, it is seen that the petitioners have appeared before the District Collector and the request for enhancing the compensation has been declined by passing a static and usual order. However, the order passed by the District Collector is in exercise of his power under Section 3 (G)5 of the Act as an Arbitrator. The persons has to challenge the award of Arbitrator in terms of Section 3(G)5 of the National Highways Act 1956, by resorting the provisions of Arbitration and Conciliation Act,1996. Having regard to this position, these Writ Petitions are not maintainable. It is open to the petitioners to file a petition to set aside the award before the competent Court under the provisions of Arbitration and Conciliation Act 1996.

4.With such liberty being reserved to the petitioners, these Writ Petitions are dismissed. However, the time taken by the petitioners in preferring these Writ Petitions, ie., from the date of filing of these Writ Petitions till the date of disposal of these Writ Petitions may be excluded for the purpose of calculating period of limitation prescribed under the provisions of Arbitration and Conciliation Act 1996, for filing a petition to set aside the award.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

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To

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Thanjavur District, Thanjavur.



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+1 CC to MR.A.RAJARAM, Advocate (SR-4998[F] dated 06/02/2020)

+1 CC to SPL GP (SR-5227[F] dated 07/02/2020)

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