

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10814 of 2021
and
W.M.P. No.11440 of 2021

V.Ayyappan,
S/o. V.Vasudevan

... Petitioner

-Vs-

- 1 The Project Director,
National Highways Authority of India,
SRI Towers, 3rd Floor,
DP-34(SP) Industrial Estate,
Guindy, Chennai-32.
2. The Arbitrator and the District Collector,
Villupuram District,
Villupuram.
- 3 The Competent Authority and
District Revenue officer (LA),
National Highways,
Villupuram District, Villupuram. Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, call for the records of the Impugned proceedings No. Na.Ka.(Arb)/ Aa1/6352/2018 dated 07.01.2021 passed by the 2nd respondent herein and quash the same as illegal, arbitrary and discriminatory in nature and consequently directing the 2nd Respondent to pay the compensation based on the representation dated 20.11.2020.

For Petitioner : Mr.G.Thangavel
For Respondents : Mrs.S.R.Sumathy,
Standing Counsel for R1
Mr.D.Raja,
Addl.Govt.Pleader - for R2 and R3

O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed challenging the award passed by the Arbitrator, 2nd respondent herein under Section 3-G

(5) of National Highways Act.

2. Admittedly, against the award passed by the Arbitrator, there is an alternate remedy provided under Section 34 of the Arbitration Act, by passing the same, the petitioner cannot challenge the order by way of filing Writ Petition. In the said circumstances, this Writ Petition is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. However, liberty is granted to the petitioner to avail the remedy provided under Sec.34 of Arbitration Act, and the Registry is directed to return the original order passed by the 2nd respondent, which is filed in this Writ Petition to the petitioner forthwith. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1 The Project Director,
National Highways Authority of India,
SRI Towers, 3rd Floor,
DP-34(SP) Industrial Estate,
Guindy, Chennai-32.
- 2 The Arbitrator and District Collector,
Villupuram District, Villupuram.
- 3 The Competent Authority and
District Revenue officer (LA),
National Highways,
Villupuram District, Villupuram.

+1cc to Mr.G.Thangavel, Advocate, S.R.No. 26593

+1cc to the Government Pleader, S.R.No. 26766

W.P.No.10814 of 2021

RSV(CO)
GN(02/07/2021)