



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.11669 of 2021

S.Diagaradjane

.. Petitioner

Vs.

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

2. The Deputy General Manager (T) and Project Director,
National Highways Authority of India,
Project Implementation Unit,
Plot No.29 Suncity Road, ECR,
Bommaiyapalayam, Tamil Nadu - 605 104.
(R2 impleaded vide order of this Court
dated 21.06.21, made in W.M.P.No.13452/21)

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondent to consider and dispose of the petitioner's representation cum objection dated 25.03.2019 on merits and in accordance with law.

For Petitioner : Mr.D.Senthil Kumar

***For Respondent 1** : Mr.K.M.D.Muhilan,
Government Advocate

***For Respondent No.2** : Mrs.S.R.Sumathy



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O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the first respondent District Collector to consider the petitioner's representation cum objections dated 25.03.2019.

2. According to the petitioner, his land was acquired under the National Highways Act for expansion of Villupuram-Nagapattinam highway. Award was also passed and not being satisfied with the Award, the petitioner initiated Arbitration proceedings under Section 3G(5) of the National Highways Act before the first respondent District Collector. The first respondent passed an award deducting 35% of the market value of the property towards development charges and no solatium was granted. Being aggrieved over the same, the petitioner filed a review application before the first respondent to review the said order, but so far his application has not been considered by the first respondent District Collector, hence he filed the present writ petition.

3. Heard the learned counsel on either side and also perused the materials available on record carefully.

4. Admittedly, the first respondent has passed an award under Section 3G(5) of the National Highways Act. If at all the petitioner has any grievance, he has an alternative remedy to agitate the same under Section 34 of the Arbitration Act before the concerned District Court, that apart once award has been passed, the first respondent District Collector, he has no power to review his order. In such circumstances, the petitioner's objections with regard to deduction and solatium amount cannot be considered by the first respondent. Hence the prayer sought for by the petitioner cannot be granted in this writ petition. Hence the writ petition is liable to be dismissed and accordingly dismissed, however liberty is granted to the petitioner to challenge the award passed by the first respondent



District Collector in the manner known to law, if he is so advised. No costs.

kk

Sd/-
Assistant Registrar(CO)
Dated : 20/07/2021

*** Corrected Substituted Order,
dated 10/11/2021 made in W.P.No.11669 of 2021**

Sd/-
Assistant Registrar(CO)
Dated : 16/11/2021

//True Copy//

Sub Assistant Registrar

To

1. The District Collector cum Arbitrator,
Villupuram District,
Villupuram.
2. The Deputy General Manager (T)
and Project Director,
National Highways Authority of India,
Project Implementation Unit,
Plot No.29 Suncity Road, ECR,
Bommaiyapalayam, Tamil Nadu - 605 104.

**To be Substituted
in the place of
Order already
despatched on
09/08/2021**

+1cc to Mr.D.Senthil Kumar, Advocate, S.R.No.31489

W.P.No.11669 of 2021

PCH(CO)
HS(30/07/2021)
RLP(16/11/2021)