

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.31196 OF 2019

AND

W.M.P.NOS.31337 & 33507 OF 2019

S.K.Selvarajan

... Petitioner

Vs

1. The District collector/Arbitrator,  
Cuddalore District, Cuddalore.
  2. The Land Acquisition Officer NH 45-C/  
District Revenue officer,  
Collectorate, Villupuram.
  3. The Project Director,  
National Highways-45-C, Natarajapuram Colony,  
Medical College Road, Tanjore.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.L3(Arbit)20551/2018, dated 09.10.2019 and quash the same in so far relates to the petitioners' land situated in R.S.Nos.264/3B, 264/4A3, 266/2A2, 266/2B1B, 266/3A1B, 266/3A2, 271/1A1B and 271/4B, Pinnalur Village, Bjuvanagiri Taluk, Cuddalore District by taking note of the Government guideline value fixed for the Pinnalur Village together with 100% Solatium together with 12% interest.

For petitioner ... Mr.C.Prakasam

For respondents... Mr.M. Elumalai,

Additional Government Pleader  
for R1 & R2

... S.R.Sumathy,  
Standing Counsel, for R3

ORDER

This writ petition has been filed challenging the award passed by the first respondent under Section 3G(5) of the National Highways Act.

2. Admittedly, against any award passed under Section 3G(5) of the said act, the provisions of Arbitration and Conciliation Act will apply and the remedy available to the petitioner is only before the concerned Principal District Court, and seek appropriate remedy. Without approaching the concerned forum, the petitioner cannot challenge the award by way of writ petition. Hence, the petition is liable to be rejected. However, considering the fact that the award was passed on 15.02.2016 and the petitioner has also filed the writ petition immediately, it is open to the petitioner to file necessary application for condonation of delay in filing a petition seeking for enhancement of compensation, on filing such application, the District Court is directed to consider that application taking into consideration of the pendency of the writ petition and pass suitable order.

3. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The District collector/ Arbitrator,  
Cuddalore District, Cuddalore.
2. The Land Acquisition Officer NH 45-C/  
District Revenue officer,  
Collectorate , Villupuram.
3. The Project Director,  
National Highways-45-C,  
Natarajapuram Colony,  
Medical College Road, Tanjore.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.23800  
+1cc to the Government Pleader, S.R.No.40114

W.P.No.31196 of 2019

EV(CO)  
CS/02/07/2021