

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.NO.32133 OF 2019

AND

W.M.P.NO.32408, 32410, 32411, 32413, & 33509 OF 2019

1. R.Rajendra Prasath

2. R.Gopalakrishnan

3. Thilagavathi

4. M.Rubathiran

5. Chithra

6. Mahadevan

7. Mani

8. ThillaiVillalan

... Petitioners

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)20142/2019, dated 15.10.2019 and quash the same in so far relates to the petitioners concerned and consequently directing the respondents to fix the higher compensation in so far relates to the 1st petitioner's land situated in S.No.140/2 to the extent of 105 sq.meter, which is classified as Ryotwari House Site and the 2nd petitioner's house site is situated in S.No.140/1 to the extent of 239 sq.meter along with one concrete big residential house and another tiled house and two huts and the 3rd petitioner's house site is situated in S.No.140/1 to the extent of 80 sq.meter and the 4th petitioner's house site is situated in S.No.138/5B to the extent of 53 sq.meter along with one residential hut and the 5th petitioner's house site is situated in S.No.138/6B to the extent of 40 sq.meter along with one tile residential house and the 6th petitioner's house site is situated in S.No.138/5B to the extent of 53 sq.meter along with tiled residential house and the 7th petitioner's house site is situated in S.No.140/1 and 138/1P2 to the extent of 239 sq. meter and 66 sq.meter respectively along with one concrete big residential house and two tiled residential houses and three huts and the 8th petitioner's house site is situated in S.No.140/2 to the extent of 125 sq.meter along with hut by taking note of the sale deed in Document NO.1485 of 2012, dated 20.09.2012 together with 100% solatium, multiplier factor into 2 with 12% interest along with benefits of under the provisions of U/s31, 38 and 105(3) of Rehabilitation and resettlement of RFCTLARR Act (Act 30 of 2013).

For petitioners ... Mr.C.Prakasam

For respondents ... Mr.M.Elumalai,
Additional Government Pleader
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 petitioners is only before the concerned Principal District Court, and seek appropriate remedy. Without approaching the

concerned forum, the petitioners 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 petitioners have also filed the writ petition immediately, it is open to the petitioners 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.23797
+1cc to the Government Pleader, S.R.No.23994

W.P.No.32133 of 2019

EV(CO)
CS/02/07/2021