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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.2309 of 2021

G.Ethirajan

... Petitioner

-Vs-

1. The Arbitrator and District Collector - Thiruvallur,  
Thiruvallur,  
Thiruvallur District.
2. The Special District Revenue Officer (LA),  
National Highways - NH - 205 - Thiruvallur,  
Lalbhadur Sasthri Street,  
Periyakuppan,  
Thiruvallur,  
Thiruvallur District.
3. The Project Director,  
National Highways Authority of India - CHENNAI (PIU),  
SRI TOWER, 3rd Floor,  
DP-34, SP Industrial Estate,  
Guindy,  
Chennai - 600 032.
4. The Special Thasildar (Arbitration),  
F2 - Section,  
Thiruvallur Collectorate,  
Thiruvallur District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to dispose the petitioner's review petition dated 28.03.2018 in accordance with law for petitioner's acquisition land, within the stipulated time fixed by this Hon'ble court.

For Petitioner : M/s.A.Sumathy

For R1 and R2 : Mr.M.Muthusamy  
Government Advocate

For R3 : Mr.Su.Srinivasan



## ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the first respondent to dispose the petitioner's review petition dated 28.03.2018 in accordance with law for petitioner's acquisition land, within the stipulated time fixed by this Hon'ble court.

2. Heard M/s.A.Sumathy, learned counsel appearing for the petitioner, Mr.M.Muthusamy, learned Government Advocate appearing for the respondents 1 and 2 and Mr.Su.Srinivasan, learned counsel appearing for the third respondent.

3. The petitioner owned property comprised in Survey No.361/1A, ad-measuring 1052 sq.metres. In order to expand NH-205 under National Highways Act, 1956, the respondents acquired the subject land, ad-measuring 946 sq.metres and the petitioner received a compensation of Rs.2,57,028/- on 19.03.2012 without prejudice to his right to challenge for enhancement of compensation. The petitioner filed an appeal before the first respondent for enhancement of compensation in respect of the subject land. On receipt of the same, the first respondent conducted an enquiry. On enquiry, the petitioner sought for enhancement of compensation for the adjacent property as passed in the Award vide proceedings Rc.No.23450/2013/Arbitration, dated 25.09.2015, thereby fixed the compensation at Rs.500/- per sq.ft for house site and after deduction of 33.3% towards developmental charges for agricultural lands and the amount payable to the land owners was fixed at Rs.333/- for agricultural land.

4. However, the first respondent while considering the plea of the petitioner and instead of ordering Rs.500/- after deduction of 33.3% towards developmental charges i.e.Rs.333/-, once again erroneously deducted 33.3% as developmental charges from Rs.333/- has ordered at Rs.222/-. The first respondent failed to refer the compensation of Rs.500/- for house site and only after deducting the developmental charges of 33.3%, the amount has been arrived at Rs.333/-. Unfortunately, the first respondent deducted further 33.3% from the amount of Rs.333/-. Therefore, the petitioner filed a Review Petition on 28.03.2018 as contemplated under Section 33 of The Arbitration and Conciliation Act, 1996. However, no enquiry was conducted on the review application.

5. On written instructions from the first respondent, Mr.M.Muthusamy, learned Government Advocate, submitted that the review application was filed after 7 months of the Arbitral Award. As per Section 33(1)A, for correction and interpretation of Arbitral Award, the petitioner should have filed the Review



Petition within the limitation period fixed under Section 33(1) of The Arbitration and Conciliation Act, 1996, i.e. on or before 08.06.2017.

6. A perusal of the provisions under Section 33 of the Arbitration and Conciliation Act, 1996, says, correction and interpretation of Award; additional Award, within thirty days from the receipt of the Arbitral Award, unless another period of time has been agreed upon by the parties.

7. The learned counsel for the petitioner would submit that the petitioner being a senior citizen and the error committed by the first respondent is by his inadvertence and as such the third respondent has to agree to correct the same.

8. Considering the above, the first respondent is directed to conduct an enquiry on the Review Petition submitted by the petitioner dated 28.03.2018, after giving an opportunity of hearing to the petitioner and the third respondent herein and pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. There shall be no order as to costs.

Sd/-  
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Arbitrator and District Collector - Thiruvallur,  
Thiruvallur,  
Thiruvallur District.
2. The Special District Revenue Officer (LA),  
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4. The Special Thasildar (Arbitration),  
F2 - Section,  
Thiruvallur Collectorate,  
Thiruvallur District.

+1cc to M/s.A.Sumathy, Advocate, S.R.No.7928

+1cc to the Government Pleader, S.R.No.867

W.P.No.2309 of 2021

MT(CO)  
SU(07/03/2022)