

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.5826 of 2022 and
W.M.P.Nos.5915 and 5916 of 2022

1. G.Sudha
2. G.Srinisha
3. Athayammal

...Petitioners

vs.

1. The District Magistrate / District Collector,
Namakkal District,
Namakkal.
2. Competent Authority / District Revenue Officer,
Namakkal District,
Namakkal.
3. The Special Tahsildar,
Land Acquisition,
Salem Karur, National Highways 4 Road,
Namakkal.
4. Project Director / National Highways Authority,
212-3/D3-1 Sree Nagar Colony,
Narajothipatti, Salem District,
Salem - 636 004.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records on the file of the 1st respondent in proceedings No.Na.Ka.4525/2012 award No.08/2011/Arbitration dated 04.07.2018 quash the same and consequently direct to the respondents enhancing the compensation amount for land acquisition of the petitioner Rs.2000 per Sq. Meters.

For Petitioners : Mr.K.Karthikeyan

For Respondents: Mr.V.Veluchamy
Additional Government Pleader
Mr.Su Srinivasan
Standing counsel for NHAI for R4

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus to call for records on the file of the 1st respondent in proceedings No.Na.Ka.4525/2012 award No.08/2011/Arbitration dated 04.07.2018 quash the same and consequently direct the respondents to enhance the compensation for land acquisition by Rs.2000 per sq. meter.

2. Mr.V.Veluchamy learned Additional Government Pleader takes notice for respondents 1 to 3. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioners is that the petitioners are the owners of the land in S.No.22/9C (New Sub Division No.22/9C2) A.Ayeepalayam Village of an extent of 214.0 sq.meters were notified and acquired for laying National Highways by the 4th respondent / National Highways Authority and the same was awarded by the respondent dated 09.08.2007. Thereafter the 1st respondent disposed the claim petition by passing an award on 04.07.2018 and enhanced the award of Rs.95.16 instead of 31.72 per sq. meters. Against the same, the petitioners filed the petition before the Appellate Authority seeking for enhancement of Rs.2000 per sq.meter and the same was not considered by the Appellate Authority. For quashment of the award dated 04.07.2018 and for enhancement of the same, the petitioners has filed the present Writ Petition seeking the aforesaid prayer.

4. Though a larger relief is claimed by the petitioners, however, at the time of hearing, learned counsel for the petitioners fairly submitted that alternative remedy is available to the petitioners under Section 34 of the Arbitration and Conciliation Act, 1996 and therefore, this Court, by excluding the period the petition was pending before this Court, may grant permission to the petitioners to avail the said alternative remedy.

5. The learned Additional Government Pleader for the respondents 1 to 3 did not dispute the facts and fairly conceded the submissions made by the learned counsel for the petitioners and also submitted that the period of delay may be excluded, but further submitted that interest of the said period may not be waived of.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. In view of the fair stand taken by the learned counsel on either side, this Court without going into the merits of the issue, directs the petitioners to file appropriate petition under Section 34 of the Arbitration and Conciliation Act, 1996, and if such petition is filed by the petitioners, the learned Arbitrator shall entertain the same and pass orders on merits in accordance with law. It is made clear that the period of pendency of this Writ Petition before this Court shall be excluded for the purpose of computing limitation, while entertaining the petition. Further, with regard to interest part, it is left open to the parties to agitate the same before the arbitral forum.

8. With the aforesaid directions, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

rap/sk

To

1. The District Magistrate / District Collector,
Namakkal District,
Namakkal.
2. Competent Authority / District Revenue Officer,
Namakkal District,
Namakkal.
3. The Special Tahsildar,
Land Acquisition,
Salem Karur, National Highways 4 Road,
Namakkal.

4. Project Director / National Highways Authority,
212-3/D3-1 Sree Nagar Colony,
Narajothipatti, Salem District,
Salem - 636 004.

+1cc to the Government Pleader, SR.No.18130

W.P.No.5826 of 2022

PMK(CO)
CB(18/04/2022)