



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2022

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.5915 of 2022

and

W.M.P. No.6015 of 2022

Periyasamy

.... Petitioner

Versus

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 Roads,
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 Writ of Certiorarified Mandamus to call for the records on the file of the 1st respondent in proceedings No.Na.Ka.4525/2012 award No.10/2011 / 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 Petitioner : Mr.K.Karthikeyan

For R1 to 3 : Mr.P.Sathish
Additional Government Pleader



For R4

: Mr.Su.Srinivasan
Standing Counsel for NHA

ORDER

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This writ petition has been filed to quash the proceedings No.Na.Ka.4525/2012 award No.10/2011 / Arbitration dated 04.07.2018 issued by the 1st respondent and consequently direct the respondents to enhance the compensation amount for land acquisition of the petitioner to Rs.2000 sq. meters.

2. The learned Additional Government Pleader takes notice for the 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 petitioner is that his land in S. Nos.25/7A, 22/9C (New Sub Division No.25/7A2, 22/9C2), Ayeepalayam Village, Rasipuram Taluk, Namakkal District, an extent of 221.5 sq. meters have been acquired for the work of 4 way National Highways by the 4th respondent. Thereafter, Award was passed and aggrieved by the said Award, an appeal has been preferred. While so, it is alleged that without application of mind, the 1st respondent / Appellate Authority has passed the order, which is impugned herein. Hence, the present writ petition has been filed with the aforesaid prayer.

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

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

6. Heard learned counsel on both sides and perused the entire materials available on record.

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 petitioner to file appropriate petition under Section 34 of the Arbitration and Conciliation Act and if such petition is filed by the petitioner, the concern Court 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 concern Court.

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

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

psa

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 Roads,
Namakkal.

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

+1cc to the Special Government Pleader, S.R.No.18139

W.P. No.5915 of 2022

SKM(CO)
CT 30/03/2022