



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.6138 and 6166 of 2022

1. Malarvizhi ... Petitioner in W.P.No.6138 of 2022
2. M/s. E.Swamikannu & Company,
(A registered partnership firm rep.by its
Managing Partner Mr.Senthil Kumar
S/o.E.Swamikannu Having office at No.17,
Mambalapattu Road,
Villupuram - 605 602.
... Petitioner in W.P.No.6166 of 2022

vs.

1. The District Collector,
Chennai District Collectorate,
Rajaji Salai, Chennai - 600 001.
2. The Competent Authority of National Highways,
Special Revenue Officer (LA), NH 4 & 5,
No.3 & 4, Lal Bahadur Sastri Street, Periyakuppam,
Thiruvallur, Kancheepuram District.
3. The Project Director, NHAI,
Sri Towers, III Floor, DP-34(SP)
Guindy Industrial Estate,
Guindy, Chennai - 600 032.
... Respondents in both W.P.s

Prayer in W.P.No.6138 of 2022: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's petition dated 05.03.2018 and pass order or orders on it by applying Sec.73 of the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in W.P.No.6166 of 2022: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to consider the petitioner's petition dated 16.10.2017 and pass order or orders



on it by applying Sec.73 of the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners in both W.P.s : S.Balasubramanian

For Respondents in both W.P.s : Mr.P.Sathish
Additional Government Pleader

Mr.SU.Srinivasan,
Senior Counsel for NHAI

C O M M O N O R D E R

Since the issue involved in these Writ Petitions is one and the same, they are disposed of by way of this common order.

2. The case of the petitioners is that, the petitioners are the owners of the lands situated in Madhavaram Village. The 2nd and 3rd respondents had acquired the said lands which stood in the name of the petitioners under a requisition from the National Highway Authority for the purpose of constructing Bypass roads and grade separators and passed the award dated 05.03.2007 for various land owners, including the petitioners. Thereafter, the compensation was paid to the petitioners which was far less than the real market value of the petitioners' lands. One Maniben M Patel an adjoining land owner had appealed to the Arbitrator, viz., the Collector - Thiruvallur who by proceedings dated 11.08.2017 had enhanced the compensation. Therefore, the petitioners in W.P.Nos.6138 and 6166 of 2022 have also made representations dated 05.03.2018 and 16.10.2017 respectively, to the 1st respondent, seeking enhancement of compensation. Since the 1st respondent has not passed any order, the petitioners have come before this Court with the aforesaid relief.

3. Though very many grounds have been raised, learned counsel for the petitioners submit that as against the award passed by the 2nd respondent, there is an effective remedy available before the 1st respondent under Section 34 of the Arbitration and Conciliation Act, 1996. Hence this Court may permit the petitioners to work out the remedy before the competent forum in terms of Section 34 of the Arbitration and Conciliation Act, 1996. in the manner known to law.

4. The learned Additional Government Pleader and learned Standing Counsel for respondents have no objection for said order being passed.

5. Heard the learned counsel appearing on either side and



perused the materials placed before this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st respondent to consider the petitioners representation dated 05.03.2018 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioners and aggrieved persons if any, within a period of twelve weeks from the date of receipt of a copy of this order.

7. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

rap/sk

To

1. The District Collector,
Chennai District Collectorate,
Rajaji Salai, Chennai - 600 001.
2. The Competent Authority of National Highways,
Special Revenue Officer (LA), NH 4 & 5,
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Thiruvallur, Kancheepuram District.
3. The Project Director, NHAI,
Sri Towers, III Floor, DP-34 (SP)
Guindy Industrial Estate,
Guindy, Chennai - 600 032.

+4cc to Mr.S.Balasubramanian, Advocate, S.R.No. 18438, 18437

+1cc to the Government Pleader, S.R.No. 18814, 18815

W.P.Nos.6138 and 6166 of 2022

CA(CO)
GN(21/03/2022)