



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.12332 OF 2022

B.L.Murugan

... Petitioner

.Vs.

1. The District Collector cum
Arbitrator (LA), N.H.46,
Krishnagiri - 635 001.
2. The Special District Revenue Officer (L.A),
N.H.46, Bangalore Road,
Veerappa Nagar,
Krishnagiri - 635 001.
3. The Special Tahsildar (L.A) N.H.46,
NH Service Road, Old Pet,
Krishnagiri - 635 001.
4. The National Highway Authority of India,
Rep. by Project Manager,
Salem Main Road,
Krishnagiri - 635 001.

... Respondents

PRAYER:-

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent in his proceeding on 17.05.2019 in NA.KA.89/2018 and in NA.KA.84/2020/(E.Thi.) dated 24.09.2021 and quash the same and consequently direct the respondents to enhance the compensation as per the RIGHT TO FAIR COMPENSATION AND TRANSPARENCY IN LAND ACQUISITION, REHABILITATION AND RESETTLEMENT ACT, 2013 and other relevant aspects.

For Petitioner : Mr.E.Reegan Amarasekaran

For Respondents : Mr.P.Sathish for R1 to R3
Additional Government Pleader

Mr.Richardson Wilson for R4



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent in his proceedings on 17.05.2019 in Na.Ka.89/2018 and in Na.Ka.84/2020/(E.Thi.) dated 24.09.2021 and to quash the same and to consequently direct the respondents to enhance the compensation as per the Right To Fair Compensation And Transparency In Land Acquisition, Rehabilitation And Resettlement Act, 2013 and other relevant aspects.

2. The case of the petitioner is that the petitioner's land was acquired by the respondents 2 and 3 for the use of the fourth respondent to lay 6 land National Highways Road under the provisions of National Highways Act 48 of 1956 and award was passed on 31.07.2017. Aggrieved by the said award, the petitioner preferred appeal before the first respondent for enhanced compensation, however, the first respondent dismissed the said appeal on 17.05.2019. Thereafter, the petitioner filed review petition before the first respondent, however, the first respondent rejected the review petition on 24.09.2021. Challenging the same, the petitioner has filed this writ petition.

3. The learned counsel appearing for the petitioner submitted that as against the order passed by the first respondent, there is effective arbitration remedy available to the petitioner under Section 34 of the Arbitration and Conciliation Act. Hence, this Court may grant liberty to the petitioner to work out the remedy in the manner known to law.

4. Recording the submission made by the learned counsel appearing for the petitioner, this writ petition is disposed, with, liberty granted to the petitioner to work out the remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector cum Arbitrator (LA) N.H.46, Krishnagiri - 635 001.
2. The Special District Revenue Officer (L.A), N.H.46, Bangalore Road, Veerappa Nagar, Krishnagiri - 635 001.
3. The Special Tahsildar (L.A) N.H.46, NH Service Road, Old Pet, Krishnagiri - 635 001.
4. The National Highway Authority Of India, Rep. by Project Manager, Salem Main Road, Krishnagiri - 635 001.

+1cc to the Government Pleader, S.R.No.32540

W.P.NO.12332 OF 2022

SJ(CO)
PBS/17/06/2022