



WEB COPY



WP.No.8133 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2022

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.8133 of 2016

1.P.Ravindran

2.P.Kirubakaran

.. Petitioners

Versus

1.The Secretary to Government
Ministry of Surface Transport and
Highways Department
Government of India
New Delhi – 110 001

2.The Chairman
National Highways Authority of India
New Delhi

3.The District Collector
Salem District, Salem

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the record of the 3rd respondent in his proceedings ஆ.வ.எண்.817/பி2, தே.எத.எண். 68 dated 20.4.2015, quash the same and to direct the respondents herein to pay to the petitioner fair reasonable and equitable compensation for the entire land acquired in Survey No. 284/1B3B Erumapalayam Salem District and for the demolition of the building thereon for the up gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem - Ulundurpet Section of National Highways NH-68 in the State of Tamil Nadu.

For Petitioners : Mr.G.Purushothaman

For Respondents : Mr.B.Vijay for R1

Additional Government Pleader

Mr.Su.Srinivasan, SC for R2



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ORDER

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the 3rd respondent in ஆ.வ.எண்.817/பி2, தே.எத.எண்.68 dated 20.4.2015, quash the same and consequently direct the respondents herein to pay to petitioner a fair, reasonable and equitable compensation for the entire land acquired in Survey No. 284/1B3B, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamil Nadu.

2. The case of the petitioner is that the petitioner is the owner of the land in Survey No. 284/1B3B, Erumapalayam, Salem District admeasuring 2881.6 sq.ft. Further, his land were acquired under the National Highways Act, 1956 and after following due procedures, award was passed and the petitioner preferred appeal before the third respondent. Further, the third respondent passed the impugned order dated 20.04.2015. Challenging the same, this writ petition.

3. Though very many grounds raised by the learned counsel for the petitioner, he submitted that as against the order of the third respondent, there



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is an effective remedy before the Court in terms of 34 of the Arbitration and Conciliation Act, 1996 and seeks this Court for a liberty to move before the Court with appropriate application.

4. Heard the learned counsel appearing for both sides and perused the materials available on record. Considering the limited request sought for by the petitioner, this Court without going into merits of the case, grants liberty to the petitioner to file appropriate application before the competent Court in terms of Section 34 of the Arbitration and Conciliation Act, 1996. If any such petition is filed, the concerned Court shall entertain the same without reference to the delay in filing the petition by excluding the period spent in prosecuting this writ petition before this Court.

5. Granting such liberty, this writ petition stands dismissed. No costs.

23.11.2022

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Index:Yes/No



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M. DHANDAPANI, J.

dhk

To

1.The Secretary to Government
Ministry of Surface Transport and
Highways Department
Government of India
New Delhi – 110 001

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