



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28287 of 2014

and

W.M.P.No. 2 of 2014

G. Ramakrishanan

... Petitioner

Vs

1. The District Collector,
Salem District, Salem.

2. The Competent Authority/
Special District Revenue Officer (Land Acquisition)
National Highways No-68
Salem.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the entire relating to the impugned order passed by the 1st respondent in his Arbitration No.468/B2, dated 01.08.2014 and quash the same and consequently directing the respondents to pay the compensation at the rate of Rs.5,380/-per S1. Meter for the entire land acquired by the respondents to the petitioner together with interest and other benefits as per the Land Acquisition Act.

For Petitioner ... Mr. C. Prakasam

For Respondents... Mr. P. Sathish,
Additional Government Pleader

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned order dated 01.08.2014 passed by the 1st Respondent herein and a direction to the Respondents to pay the compensation to the petitioner towards the land acquired by the respondents along with the interest and other benefits as per the Land Acquisition Act.

2. Mr. P. Sathish, learned Additional Government Pleader takes notice for the respondents.



3. It is the case of the petitioner that the petitioner's land was acquired and the compensation amount was fixed at the rate of Rs.97/- per Sq.Meter by classifying the land as agricultural land, while the lands adjacent to the petitioner's lands were classified as plot lands. Aggrieved by the same, the petitioner had preferred an appeal before the 1st Respondent herein for enhancement of compensation, however, the same was dismissed vide the impugned order dated 01.08.2014 confirming the order passed by the 2nd Respondent. Challenging the same, the petitioner has come up with the present petition seeking the relief of quashment of the same.

4. Learned Counsel for the petitioner submits that though the compensation amount was fixed as per the provisions of the 3G(3) of the National Highways Act, 1956, however, the grievance of the petitioner is that he was paid a very meager amount of compensation by classifying his land as an agricultural land, while the lands adjacent to the petitioner's land were declared as plot lands. Therefore, the order impugned in this Writ Petition rejecting the petitioner's claim for enhancement of compensation is liable to be quashed and this Writ Petition may be allowed.

5. Learned Additional Government Pleader appearing for the respondents submits that the order impugned in this Writ Petition being passed under the provisions of the 3G(5) of the National Highways Act, the appropriate remedy available to the petitioner is to approach the competent court under the provisions of 3G(5) of the Arbitration and Conciliation Act. Instead of resorting to the said remedy, filing of Writ Petition before this Court seeking quashment of the order impugned is not sustainable. Hence, the present petition is liable to be dismissed.

6. Heard the learned counsel on the either side and perused the materials available on record.

7. On perusal of the entire records reveals that as against the award passed by the 2nd respondent, the petitioner preferred appeal before the 1st respondent in terms of 3G(5) of the National Highways Act and the 1st respondent confirmed the order passed by the 2nd respondent. As rightly pointed out by the learned Additional Government Pleader, as against the order passed by the 1st Respondent, there is effective remedy available before the competent jurisdictional court in terms of Section 34 of the Arbitration and Conciliation Act. Without availing such remedy, filing of Writ Petition before this Court is not sustainable. Hence, the prayer sought for in this Writ Petition cannot be acceded to.



8. Accordingly, this Writ Petition is disposed of granting liberty to the petitioner to seek recourse in the manner known to law. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The District Collector,
Salem District, Salem.
2. The Competent Authority/
Special District Revenue Officer (Land Acquisition)
National Highways No-68
Salem.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.22511
+1cc to the Government Pleader, S.R.No.22791

W.P.No.28287 of 2014

SMI (CO)
SB(14/06/2022)