



W.P.No.26549 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.10.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26549 of 2022

and

W.M.PNo.25607 of 2022

N. Sundaramoorthy

.. Petitioner

Vs.

1. The Competent Authority and,
The Special District Revenue Officer (LA)
National Highways 205, Tiruvallur,
Tiruvallur District.
2. The Land Acquisition Officer,
National Highways 205, Tiruvallur,
Tiruvallur District.
3. The Project Director
National Highways Authority of India,
Chennai 16.
4. The Arbitrator and District Collector,
Tiruvallur District, Tiruvallur 602 001.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
for issuance of Writ of Certiorarified Mandamus to call for the entire



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records relating to the impugned order passed by the 4th Respondent through his proceedings in Rc.No.32910/2015/F2 dated 25.05.2022 and quash the same consequently direct the Respondents to pay the enhanced compensation with interest from the date of acquisition till date within a time frame to be fixed by this Hon ble Court and pass orders.

For Petitioner : Mr.R. Prabhakaran

For Respondents 1,2 and 4 : Mr.B.Vijay
Additional Government Pleader

For Respondent 3 : Mr.Su. Srinivasan
Standing counsel

ORDER

This writ petition is filed for issuance of for the records relating to the impugned order passed by the 4th Respondent through his proceedings in Rc.No.32910/2015/F2 dated 25.05.2022 and quash the same consequently direct the Respondents to pay the enhanced compensation with interest from the date of acquisition till date

2. The facts of the case is that the first and second respondents acquired the subject property from the petitioner for the purpose of construction of building, maintenance, management and operation of National Highways 205 and awarded compensation. Not being satisfied



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with the compensation the petitioner gave a representation to the 4th respondent to enhance the compensation. In response to the representation made by the petitioner he was called for investigation and thereafter the 4th respondent passed an Arbitral Award in Rc.No.32910 of 2015 on 25.05.2022, wherein the award passed by the first and the second respondents was confirmed. Hence, this writ petition with the afore said prayer.

3. The learned counsel for the petitioner submits that the authorities concerned has not applied the yardstick in a proper manner while determining the award whereas some of the adjacent land owners were awarded a higher compensation and with regard to petitioner he was awarded with lesser compensation. Hence he prays for appropriate orders.

4. The learned Additional Government Pleader would submit that the petitioner has challenged the award passed by the 4th respondent/Arbitrator and District Collector. He further submits the petitioner can challenge the said award in terms of the Section 34 in the Arbitration and Conciliation Act.



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5. Admittedly the facts of the case are not in dispute. The second and third respondents has acquired the petitioner lands and awarded compensation. Being aggrieved by the compensation awarded by the first and second respondents the petitioner gave a representation before the 4th respondent/Arbitrator and District Collector who inturn confirmed the award passed by the first and the second respondents. Now, the remedy available to the petitioner he can challenge the impugned award under Section 34 of the Arbitration and Conciliation Act.

6. In view of the above this writ petition is dismissed. No Costs. Consequently the connected miscellaneous petition is closed. However, the petitioner is at liberty to work out the remedy in terms of Section 34 of the Arbitration and Conciliation Act.

10.10.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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M.DHANDAPANI,J.

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