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W.P.No.26135 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.26135 of 2022

P.Kasthuri

... Petitioner

Vs.

1.The Project Director,
National Highways Authority of India,
Project Implementation Unit – Chennai,
“SRI TOWER”, 3rd Floor, DP-34(SP),
Industrial Estate, Guindy,
Chennai – 32.

2.The Arbitrator and District Collector,
Thiruvallur.

3.The Competent Authority cum
Special District Revenue Officer,
(Land Acquisition), National Highways 205,
No.3 & 4, Lal Bagadhur Sasthiri Street,
Periyakuppam Railway Station,
(Near) Thulasi Theatre,
Thiruvallur – 602 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the first respondent to deposit the enhanced compensation awarded and direct the third respondent to disburse the enhanced compensation awarded to the petitioner forthwith



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pending any appeal before the District Court, Thiruvallur, in respect of Plot No.186, in “Abirami Garden”, at Ayathur Village, Tiruvallur, in Survey No.250/1A1, DTCP Layout Approval No.407/98 in Patta No.40 for an extent of 1,615 sq.ft (or) 150 Sq.Mtrs.

For Petitioner : Mr.N.Karthikeyan

For Respondents 1 : Mr.Su.Srinivasan

For Respondents 2 & 3 : Mr.B.Vijay
Additional Government Pleader

ORDER

This writ petition is filed for issuance of Writ of Mandamus directing the first respondent to deposit the enhanced compensation awarded and direct the third respondent to disburse the enhanced compensation awarded to the petitioner forthwith pending any appeal before the District Court, Thiruvallur, in respect of Plot No.186, in “Abirami Garden”, at Ayathur Village, Tiruvallur, in Survey No.250/1A1, DTCP Layout Approval No.407/98 in Patta No.40 for an extent of 1,615 sq.ft (or) 150 sq.mtrs.

2. The case of the petitioner is that the petitioner purchased a property bearing Plot No.186, “Abirami Garden”, Ayathur village, Tiruvallur comprised in Survey No.250/1A1, DTCP Layout Approval No.407/98 in



Patta No.40. Thereafter, the aforesaid subject property was acquired by the National Highways Authority in order to widen the National Highways – 205 and a compensation to that effect was issued in Rc.34/2010/UNIT-IV dated 27.01.2014. This being the case, the petitioner made a representation before the second respondent seeking for enhancement of compensation. On the basis of the representation, the second respondent enhanced the compensation and directed the third respondent to disburse the enhanced amount. Challenging the order, the first respondent preferred an appeal before the Principle District and Sessions Judge, Tiruvallur under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred as “said Act”) and the same is still in the SR stage, pending numbering. However, till date, the said enhanced compensation was not disbursed in favour of the petitioner. Hence, this writ petition.

3. Learned counsel for the petitioner submitted that though the petitioner has sent many representation to the District Collector/second respondent for the disbursement of compensation, the same was not disbursed on the ground that the respondent/National Highways Department



preferred an appeal before the District Court under Section 34 of the said Act.

Though the land was acquired in the year 2011, even after the lapse of 11 years, the enhanced compensation was not awarded to the petitioner.

4. Learned counsel for the petitioner further submitted that this court may issue a direction to the District Collector/Arbitrator to disburse the compensation amount awarded by him within a period of four weeks, if there is no restrained order from the District Court.

5. Mr.Srinivasan, learned counsel for the first respondent/National Highways Authority submitted that this Court may issue a direction to the District Court to process and number the pending appeal filed under Section 34 of the said Act, if the same is not numbered and based on the result of the appeal, the compensation will be disbursed to the petitioner.

6. Learned Additional Government Pleader appearing for the respondents 2 & 3 would submit that he has no objection for the said order being passed.



7. The facts in the present case is not in dispute. Admittedly, the petitioner's land is acquired in the year 2011 for extension of the National Highways – 205 and award to that effect was passed in favour of the petitioner, aggrieved by the award, the petitioner filed an appeal before the District Collector/Second respondent. Thereafter, the second respondent/District Collector has enhanced the compensation award. However, the said amount was not disbursed in favour of the petitioner on the ground that the first respondent preferred an appeal before the District Court under Section 34 of the Arbitration and Conciliation Act, 1996. However, in the present case, it appears that till date, the appeal filed by the first respondent is not numbered and the same is pending before the District Court, which is not a sustainable one.

8. In view of the above facts and circumstances of the case, this Court is inclined to issue direction to the District Collector/second respondent to disburse the compensation amount in favour of the petitioner within a period of eight weeks from the date of receipt of a copy of this order, if there is no legal impediments and restrained order from the competent District Court.



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9. With the above direction, this writ petition is disposed of. No costs.

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Index : Yes/No

Speaking Order : Yes/No

M.DHANDAPANI,J.

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