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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.28061 OF 2021

N.Ravi

... Petitioner

-Vs-

1. The Project Officer,  
National Highways Authority of India,  
Project Implementation Unit,  
SRI TOWER, DP-34(SP),  
Industrial Estate, Guindy,  
Chennai - 600 032.
2. The Special District Revenue  
Officer (Land Acquisition),  
National Highway No.205,  
Thiruvallur District.
3. The Arbitrator and District Collector,  
Thiruvallur.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of 3<sup>rd</sup> respondent pertaining to RC.No.8476/2014/F2/ARBIT dated 28.11.2021 and to quash the same and consequently enhance the compensation regarding the house site measuring 194 sq.mtrs comprised in Survey No.162/542B situated in No.94, Tirur Village, Thiruvallur Taluk, Thiruvallur District in accordance with the beneficial provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.P.Sesubalan Raja

For R1 : Mr.Su.Srinivasan

For R2 & R3 : Mr.C.Kathiravan  
Special Government Pleader



## ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records of 3<sup>rd</sup> respondent pertaining to RC.No.8476/2014/F2/ARBIT dated 28.11.2021 and to quash the same and consequently enhance the compensation regarding the house site measuring 194 sq.mtrs comprised in Survey No.162/542B situated in No.94, Tirur Village, Thiruvallur Taluk, Thiruvallur District in accordance with the beneficial provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. Heard, Mr.S.Sesubalan Raja, learned counsel appearing for the petitioner, Mr.Su.Srinivasan, learned counsel appearing for the first respondent and Mr.C.Kathiravan, learned Special Government Pleader appearing for the respondents 2 & 3.

3. The petitioner challenging the Arbitration Award passed by the third respondent in this writ petition. The petitioner owned a land admeasuring 194 sq.mts comprised in survey No.162/5A2B situated at No.94, Tirur Village, Thiruvallur Taluk, Thiruvallur District. The said property was acquired by the respondents 1 & 2 herein for the purpose of widening of National Highways No.205 from Alamelumangapuram Village to Pakkam Village. In pursuant to the said acquisition, the second respondent had conducted enquiry and passed an award on 29.08.2013 in Award No.66 of 2013.

4. Aggrieved by the same, the petitioner filed an appeal before the third respondent, who is being an Arbitrator, for enhancement of compensation amount. However, it was rejected on the ground that since the notification for the petitioner's land under Section 3A(1) of National Highways Act, 1956 was published vide Gazette of India No.1782 dated 21.09.2011 and Award was passed in Award No. 66 of 2013 on 29.08.2013. Therefore, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 is not applicable, since the Award was passed on 29.08.2013.

5. However, there is a specific remedy under Section 34 of the Arbitration and Conciliation Act for appropriate relief before the competent Court. Therefore, the petitioner is directed to challenge the Arbitration Award passed by the third respondent in the manner known to law before the competent Court.



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

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Project Officer,  
National Highways Authority of India,  
Project Implementation Unit,  
SRI TOWER, DP-34(SP),  
Industrial Estate, Guindy,  
Chennai - 600 032.
2. The Special District Revenue  
Officer (Land Acquisition),  
National Highway No.205,  
Thiruvallur District.
3. The Arbitrator and District Collector,  
Thiruvallur.

Copy To:-

The Section Officer,  
E.R. Section,  
High Court, Madras.

+1cc to Mr.P.Sesubalan Raja, Advocate, S.R.No.791

W.P.NO.28061 OF 2021

PCH(CO)  
PBS/07/02/2022