



WEB COPY



WP.No.28244 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

WP.No.28244 of 2022

A.V.Manickam

.. Petitioner

Versus

1.The District Magistrate/District Collector
Namakkal District
Namakkal

2.Competent Authority/District Revenue Officer
Namakkal District
Namakkal

3.The Special Tahsildar
Land Acquisition
Salem Karur, National Highways Road
Namakkal

4.Project Director/National Highways Authority
212-3/D3-1 Sree Nagar Colony
Narajothipatti, Salem District
Salem – 636 004

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 1st respondent in proceedings No.Na.Ka.4525/2012 award No.05/2011/Arbitration dated 04.07.2018 quash the same and consequently direct the respondents enhancing the compensation amount for land acquisition of the petitioner Rs.2000 sq.mts.

For Petitioners : Mr.K.Karthikeyan

For Respondents : Mr.K.M.D.Muhilan for R1 to R3
Additional Government Pleader
Mr.Su.Srinivasan for R4



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ORDER

This writ petition is filed seeking for challenging the order of the 1st respondent in proceedings No.Na.Ka.4525/2012 award No.05/2011/Arbitration dated 04.07.2018, quash the same and consequently direct the respondents enhancing the compensation amount for land acquisition of the petitioner Rs.2000 sq.mts.

2. The case of the petitioner is that the petitioner is the owner of the land in S.No.25/8, A.Ayeepalayam Village, Rasipuram Taluk, Namakkal District to the extent of 732.7 sq.meters. 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 first respondent. Further, the first respondent passed the impugned order dated 04.07.2018. 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 first respondent, there 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



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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.

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

26.10.2022

dhk

Index: Yes/No

To,

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M. DHANDAPANI, J.



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