



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.28053 of 2021

and

W.M.P.Nos.29628 and 29629 of 2021

P.Kalaiselvi

...Petitioner

-Vs-

1. The District Collector / Arbitrator,  
Cuddalore District, Cuddalore.
2. The Special District Revenue Officer /  
Competent Authority, (Land Acquisition), NH-227,  
Cuddalore,  
Cuddalore District.

...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 entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.L.3(Arbit)/695/2019, dated 30.03.2020 and quash the same and consequently directing the respondents to fix the higher compensation in so far relates to the petitioner's land situated in S.Nos. 121/2B, 121/5B, 121/7B and 121/4C, Veerananallur Village, Kattumannarkoil Taluk, Cuddalore District by taking note of the sale deed in Document No. 1995/2014, dated 20.08.2014 and another document in Document No. 948/2020, dated 27.06.2020 together with 100% solatium, multiplier factor into 2 with 12% interest along with benefits of Under the Provisions of under Section 26 to 30, 31, 38 and 105(3) of Rehabilitation and Resettlement of RFCTLARR Act (Act 30 of 2013).

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.M.Muthusamy  
Government Advocate



## ORDER

This writ petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order passed by the first respondent in his proceedings Na.Ka.L.3(Arbit)/695/2019, dated 30.03.2020 and quash the same and consequently directing the respondents to fix the higher compensation in so far relates to the petitioner's land situated in S.Nos. 121/2B, 121/5B, 121/7B and 121/4C, Veerananallur Village, Kattumannarkoil Taluk, Cuddalore District by taking note of the sale deed in Document No. 1995 of 2014, dated 20.08.2014 and another document in Document No. 948 of 2020, dated 27.06.2020 together with 100% solatium, multiplier factor into 2 with 12% interest along with benefits of Under the Provisions of under Section 26 to 30, 31, 38 and 105(3) of Rehabilitation and Resettlement of RFCTLARR Act (Act 30 of 2013).

2.Heard Mr.C.Prakasam, learned counsel appearing for the petitioner and Mr.M.Muthusamy, learned Government Advocate appearing for the respondents.

3.The petitioner owned lands comprised in S.Nos. 121/2B, 121/5B, 121/7B and 121/4C, situated at Veerananallur Village, Kattumannarkoil Taluk, Cuddalore District. The second respondent had acquired the said lands for the purpose of laying four way road from Trichy - Chidambaram Main Road. Thereafter, the second respondent had conducted an award enquiry and fixed the compensation at the rate of Rs.69.32 sq.meter by the proceedings dated 27.06.2018 in Na.Ka.A/N.H/15/2015. Aggrieved by the same, the petitioner filed an appeal before the first respondent who is being an arbitrator for enhancement of compensation.

4.However, the first respondent without considering the sale deeds produced by the petitioner, passed an order on 30.03.2020 in Na.Ka.L.3(Arbit)/695/2019, by invoking the provisions under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

5.The petitioner had challenged the arbitration award in this writ petition. When there is a specific proviso provided under Section 34 of the Arbitration and Conciliation Act, 1996, this Court cannot entertain this writ petition under Article 226 of Constitution of India.

6.Considering the above, the petitioner is at liberty to challenge the Arbitration Award passed by the first respondent in the manner known to law before the appropriate Court.



7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

WEB COPY

Sd/-  
Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

mn

To

1. The District Collector / Arbitrator,  
Cuddalore District, Cuddalore.
2. The Special District Revenue Officer /  
Competent Authority, (Land Acquisition), NH-227,  
Cuddalore,  
Cuddalore District.

+1cc to the Government Pleader, S.R.No.620

W.P.No.28053 of 2021  
and  
W.M.P.Nos. 29628 and 29629 of 2021

PL (CO)  
RGA (31/01/2022)