



W.P.No.29282 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.29282 of 2022

J.Iqbal

... Petitioner

VS.

1. The Arbitrator & District Collector,
Thiruvallur District.

2. The Project Director,
National Highways Authority of India,
Project Implementation Unit – Chennai,
“Sri Tower”, 3rd Floor Dp-34 (SP),
Chennai – 600 032.

3. The Special District Revenue Officer (LA),
NH 205, No.3 and 4, Lal Bagadthur Sasthiri Street,
Periyakuppam Railway Street,
Near Thulasi Theatre,
Thiruvallur – 602 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the third respondent to pay the petitioner the enhanced compensation as per the proceedings of the first respondent made in Rc.No.6866/2017/F2/Arbitration dated 31.08.2020 for the



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petitioner's lands measuring to an extent 2607 sq.mtr situated in S.No.206/2B, Panapakkam Village, Tiruttani Taluk, Thiruvallur District within a time frame as fixed by this Court.

For Petitioner : Mr.M.P.Saravanan

For R2 : Mr.Su.Srinivasan

For R1 and R3 : Mr.B.Vijay
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the third respondent to pay the petitioner the enhanced compensation as per the proceedings of the first respondent made in Rc.No.6866/2017/F2/Arbitration dated 31.08.2020 for the petitioner's lands measuring an extent of 2607 sq.mtr situated in S.No.206/2B, Panapakkam Village, Tiruttani Taluk, Thiruvallur District within a time frame as fixed by this Court.

2. It is the case of the petitioner that he is the owner of the above said property situated in said Village. The respondents in order to widen the road



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at NH 205, Panapakkam Village, Tiruttani Taluk, Thiruvallur District had sought to acquire the above said land under the National Highways Act and the Award dated 30.12.2011 was passed by the third respondent. Aggrieved over the same, the petitioner initiated arbitration proceedings, before the competent authority / first respondent seeking to enhance the compensation fixed by the third respondent. Thereafter, the third respondent had submitted a report before the first respondent stating that the petitioner's request for enhancement of compensation can be acceded to. Pursuant to which the first respondent vide proceedings dated 31.08.2020 had enhanced the compensation in respect of the petitioner's property. In spite of the same, the third respondent had not disbursed the enhanced compensation to the petitioner. Hence the present Writ Petition has been filed seeking the aforesaid relief.

3. Though very many grounds have been raised in this Writ Petition, learned counsel appearing on behalf of the petitioner submits that it would suffice if this Court issues direction to the third respondent to disburse the enhanced compensation to the petitioner as per the proceedings of the first



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respondent dated 31.08.2020 and pass appropriate orders within a particular time frame to be fixed by this Court.

4. Learned Additional Government Pleader appearing for the respondents submits that if there is no legal impediment, the award passed by the first respondent will be implemented within the time fixed by this Court.

5. Learned standing counsel appearing for the Highways Authority submitted that if the award by the District Collector / Arbitrator is not complied with, the remedy available to the petitioner is only to file execution proceedings before the District Court u/s 36 of the Act and without exhausting the said remedy, filing the present Writ Petition is not maintainable.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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7. It is borne out by record that against the award of compensation, enhancement was sought for before the District Collector / Arbitrator under the provisions of the Act and considering the same, enhancement was ordered by the District Collector / Arbitrator. If at all there is any legal impediment, the respondents ought to have resorted to avail the particular remedy. However, without resorting to the said remedy disbursement of compensation amount, which has been enhanced by the District Collector / Arbitrator, has not been made. Aggrieved by such an act, the petitioner has filed this Writ Petition. It is to be pointed out that if there is any statutory violation, the jurisdiction of this Court under Article 226 of the Constitution is always maintainable. In the case of hand, the enhanced compensation having not been paid to the petitioner by the respondents, there being statutory violation, definitely the jurisdiction of this Court under Article 226 is maintainable and Writ Petition can be entertained.

8. In such view of the matter, this Court without expressing any opinion on the merits of the case, directs the third respondent to disburse the enhanced compensation to the petitioner as per the proceedings of the first



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respondent dated 31.08.2020, if there is no other legal impediment, within a period of six weeks from the date of receipt of a copy of this order.

9. With the above observation and directions, this Writ Petition is disposed of. No costs.

04.11.2022

RAP

Index : Yes/No

Speaking order : Yes/No

To:

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M.DHANDAPANI, J.

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