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W.P.No.29659 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29659 of 2022

K.M.Vidhyasagar

... 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 & 4, Lal Bagadhur Sasthiri Street,
Periyakuppam Railway Street,
Near Thulasi Theatre,
Thiruvallur – 602 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 3rd respondent to pay the petitioner the enhanced compensation as per the proceedings of the 1st respondent made in Rc.No.6871/2017/F2/Arbitration dated 31.08.2020 for the petitioner's land measuring to an extent 850 Sq.mtr situated in S.Nos.139/17A1B, Panappakkam Village, Tiruttani Taluk, Thiruvallur District within a time



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frame fixed by this Court.

For Petitioner : Mr.M.P.Saravanan

For Respondent : Mr.Karthik Jagannath for RR1 & 3
Government Advocate
: Mr.Su.Srinivasan for R2

ORDER

The petitioner has filed this writ petition seeking issuance of a Writ of Mandamus, directing the 3rd respondent to pay the petitioner the enhanced compensation as per the proceedings of the 1st respondent made in Rc.No.6871/2017/F2/Arbitration dated 31.08.2020 for the petitioner's land measuring to an extent 850 Sq.mtr situated in S.Nos.139/17A1B, Panappakkam Village, Tiruttani Taluk, Thiruvallur District within a time frame fixed by this Court.

2.The learned counsel for the petitioner would submit that the petitioner is the land user and the said land was sought to be acquired under the National Highways Act, 1956 and Award is passed. Aggrieved over the said Award, the petitioners preferred an appeal before the 1st respondent under Section 3(g)(5) of the National Highways Act. The 1st respondent after hearing passed an Award in favour of the petitioner vide his



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proceedings in R.C.No.6871/2017/F2/Arbitration dated 31.08.2020 had enhanced the compensation value for the petitioner's land and the same was not disbursed in favour of the petitioner. Hence, the present Writ Petition has been filed with the above said prayer.

3.Learned counsel appearing for the petitioner submitted that as on date, the respondents/ National Highways has not preferred any appeal as against the order of the 1st respondent and this Court may issue a direction to the 1st respondent to disburse the compensation amount to the petitioner, if there is no legal impediment.

4.Learned Government Advocate appearing for the respondents would submit that the compensation/ Award amount will be disbursed to the petitioner within the time frame fixed by this Court.

5.Learned Standing Counsel appearing for the 2nd respondent/ National Highways would submit that as against the Award passed by the District Collector, the 2nd respondent preferred an appeal before the District Court under Section 30(4) of the Arbitration and Conciliation Act.



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However, the learned Standing Counsel fairly submitted that as on date there is no restrained order against the 1st respondent for disbursing the compensation amount.

6.Learned Standing Counsel would further submit that as against the implementation of the said Award, the remedy available to the 2nd respondent is to approach the Principal District Court under Section 30(6) of the Arbitration and Conciliation Act by filing an E.P. Instead of filing an E.P. filing the present Writ Petition is not maintainable

7.Considering the facts and circumstances of the case, admittedly, the 1st respondent passed the Award in favour of the petitioner. Though the 2nd respondent claims that they had preferred an appeal before the District Court, however, in the absence of the any restraining order, the 1st respondent necessarily shall disburse the compensation amount to the petitioner. Hence, this Court directs the 1st respondent to disburse the compensation amount in favour of the petitioner within a period of six weeks from the date of receipt of a copy of this order.

8.Accordingly, this Writ Petition is allowed. No costs.



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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

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M.DHANDAPANI,J.

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