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W.P.No.30330 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.30330 of 2022

M.Rajendran

... 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 Bagadthur Sasthiri Street,
Periyakuppam Railway Street,
Near Thulasi Theatre,
Thiruvallur – 602 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for issuance of a Writ of Mandamus directing the third respondent to pay the petitioner the enhanced compensation as per the proceedings of the 1st respondent made in Rc.No.22580/2016/F2/Arbitration dated 31.08.2020 for the petitioner's lands measuring to an extent 508 sq.mtr situated in



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S.No.139/5B Panappakkam Village, Tiruttani Taluk, Thiruvallur District.

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For Petitioner : Mr.M.P.Saravanan

For Respondents 1 & 3 : Mr.S.Balamurugan,
Government Advocate

For Respondent 2 : Mr.Su.Srinivasan,
Standing Counsel

ORDER

The petitioner has filed this writ petition for issuance of Writ of Mandamus directing the third respondent to pay the petitioner the enhanced compensation as per the proceedings of the 1st respondent made in Rc.No.22580/2016/F2/Arbitration dated 31.08.2020 for the petitioner's lands measuring to an extent 508 sq.mtr situated in S.No.139/5B Panappakkam Village, Tiruttani Taluk, Thiruvallur District.

2. At the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. The case of the petitioner is that the petitioner is the owner of the



land situated in S.Nos.139/5B measuring an extent of 508 sq.mt. In order to widen the roads at NH 205, Panappakam Village, Tiruttani Taluk, Thiruvallur District, the respondents have acquired the aforesaid land and passed an award of compensation on 24.11.2011. By virtue of the award, a sum of Rs.376428/- was disbursed in favour of the petitioner by the third respondent through net banking, however, not satisfied with the compensation, the petitioner initiated arbitration proceedings before the first respondent seeking to enhance the compensation amount on par with the proceedings made by the first respondent in the same village, which is situated in close proximity to the petitioner's land. After conducting detailed enquiry, the first respondent enhanced the compensation value for the petitioner's land on 31.08.2020. Though the claim of the petitioner was allowed by the first respondent, the third respondent has not taken any steps to pay the difference of the compensation amount. Hence, this writ petition.

4. Learned counsel for the petitioner would submit that it would suffice, if this Court issues direction to the first respondent to pay the enhanced compensation amount as per the proceedings dated 31.08.2020, if



there is no legal impediments.

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5. Learned Government Advocate appearing for the respondents would submit that the enhanced compensation will be disbursed in favour of the petitioner, within a period of six weeks, if there is no legal impediments.

6. Learned standing counsel appearing for the second respondent would submit that as against the award passed by the first respondent, the Highways Authority have taken effective steps to file an appeal under Section 34 of the Arbitration and Conciliation Act, 1996 before the appropriate Court. Moreover, for implementation of the award, the petitioner has to file an appropriate application before the Principal District Judge. Instead of filing application before the Principal District Judge, filing writ petition under Article 226 is not maintainable. Accordingly, he prayed for dismissing this writ petition.

7. Heard the learned counsel on either side and perused the materials available on record.



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8. It is the admitted case of the parties that as against the compensation awarded by the land acquisition officer, arbitration was resorted to before the District Collector for enhancement of compensation and after enquiry, the District Collector has enhanced the compensation for the lands acquired from the petitioner. Though appeal has been filed as against the said enhancement under Section 34 of the Arbitration and Conciliation Act, however, it is to be pointed out that the authority to release the compensation is the District Collector, who had passed the enhanced compensation. That being the case, no necessity arises for the petitioner to file any application before the Principal District Judge for the purpose of implementation of the award. It is the duty of the respondents to release the enhanced compensation to the petitioner on the basis of the award passed by the District Collector/Arbitral Tribunal and the petitioner cannot be made to run from pillar to post to get the compensation, when the respondents have acquired the lands of the petitioner for which the petitioner has to be duly compensated.

9. Considering the facts and circumstances of the case and the limited



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relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to pay the enhanced compensation amount as per the proceedings dated 31.08.2020, if there is no legal impediments, within a period of six weeks from the date of receipt of a copy of this order.

10. With the aforesaid direction, this Writ Petition stands disposed of.

No costs.

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Index : Yes/No

Speaking Order : Yes/No

To:

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Thiruvallur District.

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M.DHANDAPANI,J.

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