



W.P.No.30546 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30546 of 2022

Chan Basha

.. 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,
Periyakupam Railway Street,
Near Thulasi Theatre, Thiruvallur – 602 001.

..Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus directing the 3rd respondent to pay the petitioner the enhanced compensation as per the proceedings of first respondent made in Rc.No.1028/2017/F2/Arbitration dated 31.08.2020



W.P.No.30546 of 2022

for the petitioners land measuring to an extent of 369 Sq.mtr situated in S.No.139/17A2, Panapakkam Village, Tiruttani Taluk, Thiruvallur District within a time frame to be fixed by this Hon' ble Court and pass orders.

For Petitioner : Mr.M.P.Saravanan

For Respondents 1 and 3 : Mr.Karthik Jeganath
Government Advocate

For Respondent 2 : Mr.Su. Srinivasan
Standing counsel

ORDER

This writ petition is filed for issuance of Writ of Mandamus directing the 3rd respondent to pay the petitioner the enhanced compensation as per the proceedings of first respondent made in Rc.No.1028/2017/F2/Arbitration dated 31.08.2020 for the petitioner's land measuring to an extent of 369 Sq.mtr situated in S.No.139/17A2, Panapakkam Village, Tiruttani Taluk, Thiruvallur District

2. The case of the petitioner is that the subject land was acquired by the Government for which the award dated 18.06.2012 was passed in Award No.13 of 2011 by the third respondent. Not satisfied with the award amount the petitioner initiated arbitration proceedings to enhance the compensation amount Thereafter, the first respondent vide



W.P.No.30546 of 2022

WEB COPY

proceedings Rc.No.1028/2017/F2/Arbitration dated 31.08.2020 enhanced the compensation amount along with the interest of 9% per annum to be paid for the excess amount determined from the date of taking possession under 3D(1) of the National Highways Act, 1956. However till date the same amount has not been deposited in favour of the petitioner. Hence this petition.

3. The learned counsel for the petitioner submitted that it would suffice, if this Court issues direction to the third respondent to pay the enhanced compensation as per the proceedings of the first respondent made in Rc.No.1028/2017/F2/Arbitration dated 31.08.2020 within a time limit as fixed by this Court.

4. Learned Government Advocate appearing for respondents 1 and 3 has no objection to issuing directions as sought for by the learned counsel for the petitioner and the learned standing counsel for the 2nd respondent.



W.P.No.30546 of 2022

WEB COPY

5. Learned standing counsel appearing for the 2nd respondent would submit that as against the award passed by the first respondent, the Highways Authority have taken effective steps to file and 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.

6. 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. 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



W.P.No.30546 of 2022

WEB COPY

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 for resorting to filing application under section 34 of the Arbitration and conciliation Act before the concerned Principal District Judge, when the respondents have acquired the lands of the petitioner for which the petitioner has to be duly compensated.

7. In view of the fair stand taken by the learned counsel appearing on either side and also in view of the limited relief sought for, this Court, without expressing any opinion on the merits of the case, issues a direction to the 3rd respondent to pay the enhanced compensation determined by the 1st respondent in Rc.No.24519/2016/F2/Arbitration dated 31.8.2020 in respect of the petitioner's land and disburse the compensation to the petitioner within a period of six weeks from the date of receipt of a copy of this order. Further, liberty is granted to the 2nd respondent to work out his remedy in accordance with Section 3-G (5) of



W.P.No.30546 of 2022

WEB COPY

the Act for the purpose of filing application before the Central Government for appointment of arbitrator and for redetermination of compensation as per the provisions of the Arbitration and Conciliation Act. The writ petition is disposed of with the aforesaid observation and direction. No costs.

17.11.2022

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

M.DHANDAPANI,J.

smn



WEB COPY



W.P.No.30546 of 2022

To

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 Bagadhur Sasthiri Street,
Periyakupam Railway Street,
Near Thulasi Theatre, Thiruvallur – 602 001.

W.P.No.30546 of 2022

17.11.2022