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W.P.No.31697 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.31697 of 2022

Kuppusamy

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

...Respondents

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.6863/2017/F2/Arbitration dated 31.08.2020 for the petitioner's land measuring to an extent 270 sq.mtr., situated in S.No.257/14A2, Nedumbaram Village, Tiruttani Taluk, Tiruvallur District within a time frame as fixed by this Hon'ble Court.



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For Petitioner : Mr.M.P.Saravanan
For R1 and R3 : Mr.B.Vijay
Additional Government Pleader
For R2 : Mr.Su.Srinivasan
Standing Counsel

ORDER

The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to direct the 3rd respondent to pay the petitioner the enhanced compensation as per the proceedings of the 1st respondent made in Rc.No.6863/2017/F2/Arbitration dated 31.08.2020 for the petitioner's land measuring to an extent 270 sq.mtr., situated in S.No.257/14A2, Nedumbaram Village, Tiruttani Taluk, Tiruvallur District within a time frame as fixed by this Hon'ble Court..

2. The case of the petitioner is that the petitioner is the owner of the aforesaid property, which sought to be acquired by the respondents under the National Highways Act, 1956 as well as the other parts of the lands belonging to other persons, for the purpose of widening the roads at NH 205. Subsequently, the Award in Award No.20 of 2011 dated 12.09.2011 was passed by the 3rd respondent, fixing a compensation amount of



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Rs.323.076/- per sq.mtr., for the petitioner's land. Aggrieved by the award amount, the petitioner initiated arbitration proceedings before the 1st respondent and after enquiry and upon receipt of the report of the 3rd respondent / the Special DRO, the 1st respondent, vide proceedings bearing Rc.No.6863/2017/F2/Arbitration dated 31.08.2020, enhanced the compensation amount, along with an interest of 9% per annum from the date of taking possession, i.e., under Section 3D(1) of the said Act till the date of actual deposit and subsequently, directed the 3rd respondent to pay the difference of compensation to the petitioner, however, till date, the same was not implemented by the 3rd respondent. Aggrieved by the inaction on the part of the 3rd respondent, the petitioner made a representation dated 21.11.2022 before the respondents, seeking to pay the enhanced compensation in favour of the petitioner as per the proceedings of the 1st respondent dated 31.08.2020. However, till date, no order has been passed on the said representation. Hence, this Writ petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submitted that, it would suffice if this Court issues direction to the 3rd respondent to consider the petitioner's representation dated



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21.11.2022 and to consequently, pay the enhanced compensation as fixed by the 1st respondent, vide proceedings dated 31.08.2020 bearing Rc.No.6863/2017/F2/Arbitration to the petitioner as expeditiously as possible.

4. Learned Standing Counsel appearing for the third respondent submitted that, for execution of any award passed by the District Collector, the petitioner has to approach the competent Civil Court, however, in the present case, instead of approaching the competent Civil Court under Section 36 of Arbitration and Conciliation Act, the petitioner has approached this Court by way of this Writ petition, which is not sustainable. Hence, he prayed for dismissal of this Writ petition.

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

6. Considering the limited request made by the learned counsel for the petitioner, this Court without expressing any opinion on the merits of the case, issues direction to the 3rd respondent to pay the petitioner the enhanced



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compensation, as awarded by the 1st respondent, vide proceedings 31.08.2020 bearing Rc.No.6863/2017/F2/Arbitration for his land within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment.

7. With the above observations and directions, this Writ petition is disposed of. No costs.

28.11.2022

Speaking Order : Yes/ No

Index : Yes/ No

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To

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M.DHANDAPANI, J.

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