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W.P.No.32666 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32666 of 2022

V.C.Kuppan

... Petitioner

Vs.

1.The Arbitrator and 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

Prayer:

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 in Rc.No.24514/2016/F2/Arbitration dated



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31.08.2020 for the petitioner's lands measuring to an extent 300 sq.mtr situated in S.No.139/17A4B, Panappakkam Village, Tiruttani Taluk, Thiruvallur District within a time frame as fixed by this Hon'ble Court.

For Petitioner : Mr.M.P.Saravanan

For Respondents : Mr.B.Vijay for R1 and R3
Additional Government Pleader
Mr.Su.Srinivasan for R2
Standing Counsel

ORDER

The petitioner has filed this writ petition seeking issuance of 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.24514/2016/F2/Arbitration dated 31.08.2020 for the petitioner's lands measuring to an extent 300 sq.mtr. situated in S.No.139/17A4B, Panappakkam Village, Tiruttani Taluk, Thiruvallur District within a time frame as fixed by this Court.

2.Heard both sides and perused the materials available on record. By consent the writ petition is taken up for final disposal.



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3.The case of the petitioner is that the petitioner is the owner of the subject property and the same was acquired under the National Highways Act, 1956, for the purpose of widening the roads at NH 205, Panappakkam Village and award in Award No.13 of 2010, dated 24.11.2011 was passed. A sum of Rs.222300/- (Rs.741/- per sq.mtr.) was awarded as compensation for the petitioner's land and the same was disbursed to the petitioner through net banking by the third respondent.

4.The further case of the petitioner is that the petitioner, not being satisfied with the compensation amount, initiated arbitration proceedings before the first respondent seeking enhancement of compensation and after detailed enquiry, the first respondent vide proceedings dated 31.08.2020 made in Rc.No.24514/2016/F2/ Arbitration enhanced the compensation amount from Rs.741/- per sq.mtr. to Rs.1345/- per sq.mtr. Thereafter, the petitioner made representation to the respondents seeking to pay the enhanced compensation amount and since the same has not yet been considered, has filed this writ petition.



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5.The learned counsel appearing for the petitioner submitted that this Court may issue direction to the third respondent to disburse the enhanced compensation in favour of the petitioner, as per the proceedings of the first respondent made in Rc.No.24514/2016/F2/ Arbitration, dated 31.08.2020, within a reasonable time frame.

6.The learned Government Advocate appearing for the respondents 1 and 3 submitted that the enhanced compensation will be disbursed in favour of the petitioner, within the time frame fixed by this Court, if there is no other legal impediments.

7.The learned Standing Counsel appearing for the second respondent submitted that for implementation of the award, the petitioner has to approach the Principal District Court by filing appropriate application under Section 36 of the Arbitration and Conciliation Act. Instead of filing application before the Principal District Court, filing writ petition under Article 226 of the Constitution of India is not sustainable one.

8.It is the admitted case of the parties that as against the



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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 Court for the purpose of implementation of the award. When the respondents have acquired the lands of the petitioner, the petitioner has to be duly compensated and 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.

9.In view of the above, this Court directs the first respondent to pay the enhanced compensation amount, in favour of the petitioner, as per the proceedings in Rc.No.24514/2016/F2/Arbitration dated 31.08.2020, if there is no other legal impediments, within a period of twelve weeks from the date of receipt of a copy of this order.



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10. With the aforesaid direction, this writ petition stands disposed of. 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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