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W.P.No.32381 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

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

W.P.No.32381 of 2022

G.Jayakumar

...Petitioner

Vs.

1. The Arbitration & 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.21909/2017/F2/Arbitration dated 31.08.2020 for the petitioner's land measuring to an extent 2881 & 150 sq.mt situated in S.Nos.216/7B, 237/7B, 249/4B2, 251/1A, Nedumbaram Village, Tiruttani Taluk, Tiruvallur District within a time frame as fixed by this Hon'ble court.

For Petitioner : Mr.M.P.Saravanan



WEB COPY



W.P.No.32381 of 2022

For Respondents : Mr.K.M.D.Muhilan, GA.

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 awarded by the 1st respondent, vide proceedings bearing Rc.No.21909/2017/F2/Arbitration dated 31.08.2020 for the petitioner's land.

2. Mr.K.M.D.Muhilan, learned Government Advocate takes notice for the respondents. In view of the consent expressed by the learned counsel appearing for either side, this petition is taken up for final disposal.

3. The case of the petitioner is that his lands comprised in S.Nos.216/7B, 237/7B, 249/4B2, 251/1A, measuring an extent of 2881 sq.mts., and 150 sq.mts., situated at Nedumbaram Village, Thiruvallur District were acquired by the respondents under the National Highways Act, 1956 along with the various other lands, 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 Rs.9,79,242.96/- for the petitioner's land. Aggrieved by the award



W.P.No.32381 of 2022

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.21909/2017/F2/Arbitration dated 31.08.2020, enhanced the compensation amount from Rs.323.076/- per sq. mt., to Rs.1345/- per sq. mt., along with an interest of 9% per annum from the date of taking possession under Section 3D(1) 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 25.11.2022 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 orders have been passed on the said representation. Hence, this Writ petition.

4. 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

3/7



W.P.No.32381 of 2022

25.11.2022 and to consequently, pay the enhanced compensation as fixed by the 1st respondent, vide proceedings dated 31.08.2020 bearing Rc.No.21909/2017/F2/Arbitration to the petitioner as expeditiously as possible.

5. Learned Government Advocate appearing for the respondents submitted that, for execution of any award passed by the District Collector, the petitioner has to approach the competent Civil court in terms of Section 36 of the Arbitration and Conciliation Act, however, in the present case, instead of approaching the competent Civil Court, 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.

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

7. 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 compensation as awarded by the 1st respondent, vide proceedings dated



W.P.No.32381 of 2022

31.08.2020 bearing Rc.No.21909/2017/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.

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

01.12.2022

skt

Speaking Order : Yes/ No

Index : Yes/ No

To

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5/7



W.P.No.32381 of 2022

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M.DHANDAPANI, J.

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W.P.No.32381 of 2022



WEB COPY



W.P.No.32381 of 2022

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