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W.P.Nos.32384 & 32388 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.Nos.32384 & 32388 of 2022

M.Prasanna Kumar

...Petitioner in W.P.No.32384 of 2022

Vijayarangam

...Petitioner in W.P.No.32388 of 2022

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 in both W.Ps.

Prayer in W.P.No.32384 of 2022: 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



W.P.Nos.32384 & 32388 of 2022

proceedings of the 1st respondent made in Rc.No.19359/2017/F2/Arbitration dated 31.08.2020 for the petitioner's lands measuring to an extent 1972 sq.mtr situated in S.Nos.249/4A2, 251/1B2, Nedumbaram Village, Tiruttani Taluk, Thiruvallur District within a time frame as fixed by this Hon'ble Court.

Prayer in W.P.No.32388 of 2022: 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.6944/2017/F2/Arbitration dated 31.08.2020 for the petitioner's lands measuring to an extent 4550 sq.mtr situated in S.No.228/7B, Panapakkam Village, Tiruttani Taluk, Thiruvallur District within a time frame as fixed by this Hon'ble Court.

In both W.Ps.

For Petitioners : Mr.M.P.Saravanan

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

COMMON ORDER

Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The petitioners have filed these Writ petitions seeking issuance of a Writ of Mandamus to direct the 3rd respondent to pay the petitioners the enhanced compensation as awarded by the 1st respondent, vide proceedings



W.P.Nos.32384 & 32388 of 2022

bearing Rc.Nos.19359/2017/F2/Arbitration and 6944/2017/F2/Arbitration respectively, both dated 31.08.2020 for the petitioners' respective lands.

3. 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, these Writ petitions are taken up for final disposal.

4. The case of the petitioners is that their lands were acquired by the respondents under the National Highways Act, 1956 for the purpose of widening the roads at NH 205. Subsequently, the Award in Award No.20 of 2011 dated 12.09.2011 and Award No.13 of 2011 dated 24.08.2011 respectively, were passed by the 3rd respondent, fixing a compensation amount of Rs.6,37,105.872/- and Rs.33,71,550/- for the petitioners' respective lands. Aggrieved by the award amount, the petitioners 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.Nos.19359/2017/F2/Arbitration & 6944/2017/F2/Arbitration respectively, both dated 31.08.2020 enhanced the compensation amount as Rs.1345/- per sq. mt., along with an interest of 9%



W.P.Nos.32384 & 32388 of 2022

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 petitioners, however, till date, the same was not implemented by the 3rd respondent. Aggrieved by the inaction on the part of the 3rd respondent, the petitioners made separate representations dated 25.11.2022 before the respondents, seeking to pay the enhanced compensation in favour of the petitioners 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, these Writ petitions.

5. Though very many grounds have been raised, learned counsel for the petitioners submitted that, it would suffice if this Court issues direction to the 3rd respondent to consider the petitioners' respective representations dated 25.11.2022 and to consequently, pay the enhanced compensation as fixed by the 1st respondent, vide proceedings bearing Rc.Nos.19359/ 2017/ F2/ Arbitration and 6944/ 2017/ F2/ Arbitration respectively, both dated 31.08.2020 to the respective petitioners as expeditiously as possible.

6. Learned Government Advocate appearing for the respondents



W.P.Nos.32384 & 32388 of 2022

submitted that, for execution of any award passed by the District Collector, the petitioners have 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 petitioners have approached this Court by way of these Writ petitions, which is not sustainable. Hence, he prayed for dismissal of these Writ petitions.

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

8. Considering the limited request made by the learned counsel for the petitioners, this Court without expressing any opinion on the merits of the case, issues direction to the 3rd respondent to pay the petitioners the respective enhanced compensation as awarded by the 1st respondent, vide proceedings bearing Rc.Nos.19359/2017/F2/Arbitration and 6944/2017/F2/Arbitration respectively, both dated 31.08.2020 for their respective lands within a period of six weeks from the date of receipt of a copy of this order, if there is no legal impediment.

9. With the above observations and directions, these Writ petitions are



W.P.Nos.32384 & 32388 of 2022

accordingly disposed of. No costs.

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Speaking Order : Yes/ No

Index : Yes/ No

To

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