



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P. (MD) No.322 of 2022

and W.M.P. (MD) No.253 of 2022

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Saraswathi Ammal

... Petitioner

vs.

1.The District Collector cum Arbitrator,
Office of the District Collector,
Trichy District, Trichy.

2.The Special District Revenue Officer,
(Land Acquisition under 'C' Section),
N.H.4 Way Extension Scheme,
Collector Office, Trichy.

3.The District Revenue Officer,
Trichy District, Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the third respondent in Arbitration Appeal in Na.Ka.No.C4/21957/2018, dated 15.12.2021 and quash the same and consequently direct the first respondent to take up the Arbitration Appeal in Na.Ka.No.C4/21957/2018 and decide the Arbitration Appeal on merits in accordance with law by enhancing the compensation to the petitioner as per market value.

For Petitioner : Mr.S.Vinayak

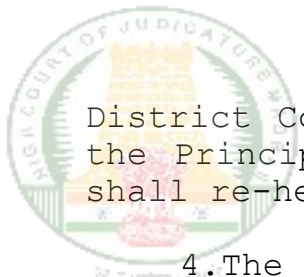
For Respondents : Mr.D.Ghandiraj
Special Government Pleader

O R D E R

The writ petition can be disposed of at the time of admission itself.

2.Heard Mr.S.Vinayak, learned counsel appearing for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader, appears on behalf of the respondents.

3.The writ petition has been filed in the nature of Writ of Certiorarified Mandamus, questioning a notice issued, calling upon the petitioner to participate in an Arbitration Appeal. The said Arbitration Appeal is the third round of a proceedings before the



District Collector. The earlier proceedings had been set aside by the Principal District Judge, who had directed that the arbitrator shall re-hear the appeal in manner known to law.

4.The only grievance raised by the learned counsel for the petitioner is that the impugned notice had been issued by the District Revenue Officer and it is claimed that the District Revenue Officer has no jurisdiction, but it is only the District Collector, who is the arbitrator as provided in the Act and in the Rules. This statement is correct.

5.A direction is therefore, given to the District Collector-cum-Arbitrator, Trichy, who is the first respondent to conduct the proceedings and not delegate the same to the District Revenue Officer. It is expected that the District Collector-cum-Arbitrator, Trichy, will proceed with the enquiry, issue notices, call for explanations and conduct the entire proceedings in manner known to law.

6.With the above observations, the writ petition stands disposed of. No costs. Consequently, W.M.P.(MD)No.253 of 2022 is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sjj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector cum Arbitrator,
Office of the District Collector,
Trichy District, Trichy.
- 2.The Special District Revenue Officer,
(Land Acquisition under 'C' Section),
N.H.4 Way Extension Scheme,
Collector Office, Trichy.



3.The District Revenue Officer,
Trichy District, Trichy.

+1 CC to M/s.SPL GP (SR-1299[F] dated 11/01/2022)

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W.P. (MD) No.322 of 2022
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