



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3822 of 2022

and

W.M.P.[MD]No.3318 of 2022

Deivaraj

... Petitioner

Vs.

1. The Project Director,
National Highways Authority of India,
Natarajapuram Colony,
Thanjavur.

2. The District Collector,
Thanjavur.

3. The Authorized Officer & Special
District Revenue Officer,
Land Acquisition,
National Highways,
(Perambalur, Trichy, Pudukkottai &
Thanjavur Districts),
Trichy.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, or any other order or direction in the nature of writ calling of the 2nd respondent in Land Acquisition Case No-29/2010/81, dated 25.02.2021 and quash the same illegal and direct the respondents to pay the market value for the land acquired from the petitioner in Vallam S.F.No.36/2A measuring 1553 sq.meter.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mr.C.Arul Vadivel @ Sekar
Standing Counsel for R.1
Mr.B.Saravanan
Additional Government Pleader
for R.2 & R.3



O R D E R

This writ petition has been filed challenging the award passed by the second respondent under Section 3G(5) of the National Highways Act, 1956 [hereinafter referred to as 'the Act'].

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2. It is settled law that as against the award passed under Section 3G(5) of the Act, the only remedy available to the petitioner is to file an application under Section 34 of the Arbitration and Conciliation Act, 1986. But instead of filing the same, the petitioner has approached this Court under Article 226 of the Constitution of India, which is not maintainable.

3. Since the writ petition is not maintainable, this Writ Petition is disposed of by granting liberty to the petitioner to approach the appropriate Court under Section 34 of the Arbitration and Conciliation Act, if so aggrieved by the impugned award dated 25.02.2021 passed by the second respondent in Land Acquisition Arbitration Case No.29/2010/81. There shall be no order as to costs.

Sd/-

Assistant Registrar (AE)

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/ /2022

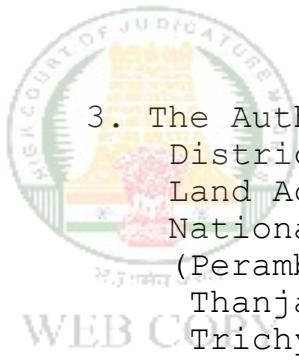
Sub Assistant Registrar(CS)

MR

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 Project Director,
National Highways Authority of India,
Natarajapuram Colony,
Thanjavur.
2. The District Collector,
Thanjavur.



3. The Authorized Officer & Special
District Revenue Officer,
Land Acquisition,
National Highways,
(Perambalur, Trichy, Pudukkottai &
Thanjavur Districts),
Trichy.

+1 CC to M/s.SPL GP (SR-9753[F] dated 03/03/2022)

+1 CC to M/s.S.MUTHUKRISHNAN, Advocate (SR-9902[F] dated
03/03/2022)

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02.03.2022

KVL(12/03/2022) 3P 6C