



W.P(MD)No.4914 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4914 of 2019

S.Manikandan Nair

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District,
At Nagercoil.

2.The Special District Revenue Officer,
(Land Acquisition – National Highways),
Tirunelveli @ Nagercoil.

3.The National Highways Authority of India,
No.314E, K.P.Road,
Near Ayyappankoil,
Parvadhipuram,
Nagercoil – 629 003,
Tamil Nadu.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to fix the compensation as per the market value of Rs.2,50,000/- per sq.ft. in S.No. 74/7A2 measuring 11 cents (440 sq.mtres) and Sy.No. 85/4 measuring 13 cents (520 sq.mtrs) including trees in Kulappuram Village at



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Vilavancode Taluk after adjusting the compensation already paid to the petitioner with interest accrued thereon.

For Petitioner : Mr.H.Thayumanaswamy

For Respondents : Mr.G.Suriyananth,
Addl. Government Pleader for R1 & R2.
Mr.C.Arul Vadivel @ Sekar for R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner's land appears to have been acquired under the National Highways Act. The compensation was also paid. The petitioner feels aggrieved by the quantum. He seeks enhancement. Seeking the said relief of enhancement, the present writ petition has been filed.

3.As rightly pointed out by the learned counsel for the third respondent, the Writ Court cannot grant the said relief. The petitioner has to necessarily file a petition under Section 34 of the Arbitration and Conciliation Act, 1996.



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4. Granting such liberty to the writ petitioner, the writ petition is disposed of. I make it clear that the time spent in prosecuting this writ petition will be excluded for the purpose of computing limitation. No costs.

16.12.2022

Index : Yes / No
Internet : Yes/ No
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To:

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Kanyakumari District,
At Nagercoil.
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(Land Acquisition – National Highways),
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G.R.SWAMINATHAN, J.

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**16.12.2022
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