



W.P.(MD)No.16919 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.16919 of 2022

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... Petitioner

Vs

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

2.The General Manager,
L.A. & E.M,
National Highway Authority of India,
G-5-6, Sector 10,
Dwarakha,
New Delhi – 110 075.

3.The Competent Authority,
Spceial District Revenue Officer,
Tirunelveli,
Land Acquisition – National Highways
Office at observatory Street,
Opposite to Collectorate,
K.P.Road,
Nagercoil – 629 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to quash the Arbitral Award dated 20.02.2018 passed in Na.Ka.U.2/38238/2017 by the first respondent and



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issue a direction to the first respondent to initiate fresh Arbitral Proceedings by the first respondent in accordance with law and pass orders after affording an opportunity of hearing to the petitioner and after considering the details of compensation paid to similar land owner within a reasonable time to be fixed by this Court.

For Petitioner : Mr.R.Chandramohan

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R.1 & R.3

Mr.P.Karthick for R.2

ORDER

Heard the learned counsel on either side.

2. The land belonging to the writ petitioner and her husband were acquired for widening of National Highway. Compensation was awarded. Not satisfied with the same reference was sought before the District Collector. The District Collector had passed an award on 20.02.2018. It is seen that the said award was never communicated to the petitioner. The petitioner's husband died during Covid. The petitioner as well as her son are suffering from Cancer. Since the petitioner did not get the copy of the award, she invoked the provisions of the Right to Information Act. Copy of the award was received in the month of March 2022. Limitation for filing petition under Section 34 of the



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Arbitration and Conciliation Act, 1996 will start running from the date of service. Obtaining of the copy under Right to Information Act cannot constitute service.

3. Considering the special facts and circumstances of the case, the petitioner is permitted to file Original Petition under Section 34 of the Arbitration and Conciliation Act, 1996 within a period of four weeks from the date of receipt of a copy of this order based on the copy of the award now filed before this Court. Registry is directed to return the original after it is duly substituted by a photo copy. I make it clear that I have not gone into the merits of the matter.

4. With this liberty for the petitioner to file a petition under Section 34 of the Arbitration and Conciliation Act, 1996 within a period of four weeks from the date of receipt of a copy of this order, this writ petition is disposed of. No costs.

29.07.2022

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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