



W.P(MD)No.19989 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.08.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.19989 of 2022

P.Selvaraj

... Petitioner

Vs.

1.The Secretary,
Ministry of Road Transport and Highways,
Trnasport Bhawan,
No.1, Parliament Street,
New Delhi.

2.The General Manager,
Regional Office,
The National Highways Authority,
Mattuthavani,
Madurai.

3.The Project Director Cum DGM (Tech),
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram,
Nagercoil – 629 003,
Kanyakumari District.

4.The District Collector,
Kanyakumari District,
Nagercoil.

5.The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,



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Tirunelveli @ Nagercoil,
Kanyakumari District.

... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the funds required for payment of compensation for the petitioner's S.No. 239/1 at Kappiarai Village, Kanyakumari District as awarded by the 4th respondent in the Arbitration Award dated 07-01-2019 together with all benefits and interest as per Section 80 of the Act 30/13 by passing orders on the representation dated 22-04-2022.

For Petitioner : Mr.G.Justin

For Respondents : Mr.G.Sivakumar,
Central Govt. Standing Counsel for R1.
Mr.M.Sarangan,
Addl. Government Pleader for R4 & R5.
Mr.Su.Srinivasan,
Standing Counsel for R2 & R3.

ORDER

Heard the learned counsel on either side.

2.The petitioner's lands were acquired under the National Highways Act, 1956. Arbitration award dated 07.01.2019 had also been passed in favour of the writ petitioner. The Hon'ble Supreme Court had held in Civil Appeal No. 5256 of 2022, dated 24.08.2022 that such awards cannot be executed through



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writ proceedings. The learned counsel for the writ petitioner therefore states that he is not asking for execution of the award as such and that he only wants the respondents 1 and 2 to release the funds required for payment of compensation. Though the writ prayer has been very carefully worded and grant of relief as sought may not amount execution as such, yet in essence, it is so. Keeping in mind the direction issued by the Hon'ble Supreme Court in the aforesaid decision, I call upon the respondents 1 and 2 to look into the petition mentioned representation and take a call in the matter.

3.The writ petition is disposed of accordingly. No costs.

26.08.2022

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

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Competent Authority &
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.



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G.R.SWAMINATHAN, J.

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