



W.P.No.2468 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.2468 of 2023

Periya Karaikadu Arulmigu Iyanarappan
Aalaya Nirvagam Matrum Pathugappu
Arakkattalai, represented by its President
J.Krishnaraj

.... Petitioner

-Vs-

1.The District Collector
Cuddalore District, Cuddalore.

2.The General Manager / Project Director
National Highways Authority of India
Puducherry.

3.The Special District Revenue Officer (L.A.)
National Highways-45 A
Cuddalore & District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's representation dated 14.12.2022 for payment of enhanced compensation as per Section 3-G(5) of National Highways Act within a time frame that may be fixed by this Hon'ble Court.

For Petitioner : Mr.G.Balamanikandan
For Respondents : Mrs.N.Senthilselvi
Government Advocate – for RR 1, 3 and 4
Mr.Su.Srinivasan
Standing Counsel – for R2



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ORDER

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The prayer sought for herein is for a Writ of Mandamus directing the 1st respondent to dispose of the petitioner's representation dated 14.12.2022 for payment of enhanced compensation as per Section 3-G(5) of National Highways Act within a time frame that may be fixed by this Court.

2. The petitioner's land was acquired by the National Highways Authority of India for road laying purpose for which compensation has already been fixed and paid to the petitioner on 08.08.2022. In order to enhance the compensation, a petition has been given in the letter head of the petitioner Trust on 14.12.2022 to the 1st respondent District Collector under Section 3-G(5) of the National Highways Act. In order to consider the same, the petitioner has moved the present writ petition.

3. Heard Mr.G.Balamanikandan learned counsel for the petitioner, Mrs.N.Senthil Selvi, learned Government Advocate for respondents 1, 3 and 4 and Mr.Su.Srinivasan learned Standing Counsel for the 2nd respondent.

4. Learned Government Advocate as well as the learned Standing Counsel for the respondents would submit that, if at all any enhancement is required by the petitioner, he has to file an arbitration appeal within the meaning of Section



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3-G(5) of the National Highways Act and that should have been filed in proper format with complete details as to how such enhancement is sought for.

However, the petitioner only relied upon a petition made on 14.12.2022 in the letter head of the petitioner Trust bereft of facts. Therefore, based on which the petitioner cannot expect that it would be treated as an appeal under Section 3-G(5) of the Act and it cannot be decided by the 1st respondent District Collector. Hence, the learned counsel for the respondents would submit that, if proper arbitration appeal is filed by the petitioner Trust, that would be considered by the 1st respondent District Collector on merits and in accordance with law under the provisions of the Arbitration Act.

5. Having considered the said submissions made by the learned counsel for the respondents, this Court is inclined to dispose this writ petition with the following order.

- It is for the petitioner to file a proper arbitration appeal within the meaning of Section 3-G(5) of the National Highways Act and if such an appeal is filed with proper particulars, the same can be entertained and decided by the 1st respondent District Collector as arbitrator by enquiring the same as arbitration proceedings and pass necessary orders thereon on merits and



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in accordance with law within a period of twelve (12) weeks

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from the date of receipt of such appeal.”

6. With the above directions, this writ petition is disposed of. No costs.

01.02.2023

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order / Non-speaking order

KST

To

- 1.The District Collector
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R. SURESH KUMAR, J.

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