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W.P.No.7720 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7720 of 2023
and W.M.P.Nos.7921 & 7924 of 2023

K.M. Subbaiya

... Petitioner

Vs.

- 1.The Special District Revenue Officer,
Land Acquisition NH-45A,
National Highways, First Floor,
Collector's Office,
Villupuram – 605 602.
- 2.The District Collector and Arbitrator,
Collector's Office,
Villupuram District, Villupuram – 605 602.
- 3.The Special Tahsildar,
Land Acquisition NH-45A,
National Highways, Unit-I,
Collector's Office, 2nd Floor,
Villupuram – 605 602.
- 4.The Regional Officer,
Regional Office,
National Highways Authority of India,
Plot No.P34, 3rd Floor,
Sri Tower, (SP) Industrial Estate,
Guindy, Chennai – 600 032.



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5.The Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.28 & 29, 1st Cross, Ganapathy Nagar,
Arumathapuram,
Puducherry – 605 110.

6.The Assistant Director,
Survey and Land Records,
Collector's Office,
Villupuram – 605 602.

7.The Inspector General of Registration,
100, Santhome High Road,
Raja Annamalaipuram,
Chennai – 600 028.

8.The Deputy Inspector General of Registration,
No.50, Sankara Naidy Street,
Thirupapuliyur,
Cuddalore District,
Cuddalore – 607 002.

9.The Sub-Registrar Joint II,
Villupuram District,
Villupuram – 605 602.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Award, bearing Na.Ka.No.C/NH45A/348/2018, dated 31.08.2021, communicated to the petitioner vide Letter bearing No.Na.Ka.C/N.H-45A/348/2018 dated 12.10.2022, passed by the Special District Revenue Officer, Land Acquisition NH 45A, National Highways Villupuram, the 1st respondent



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herein and quash the same and consequently direct the 1st respondent to conduct a fresh enquiry for determination of the market value giving due opportunity of hearing to the petitioner.

For Petitioner : Mr.T.R. Sathiya Mohan

For R1 to R4 & R6 to R9 : Mr.R. Neelakandan,
Additional Advocate General
assisted by Mr.Yogesh Kannadasan,
Special Government Pleader

For R5 : M/s.S.R. Sumathy

ORDER

Challenging the award of the Competent Authority, determining the quantum of compensation, the present Writ Petition has been filed.

2. Section 3G(5) of the National Highways Act, 1956, provides that when the amount determined by the Competent Authority under Section 3G is not acceptable to either of the parties, the amount shall thereafter be determined by the Arbitrator to be appointed by the Central Government based on an application filed by either of the parties. Likewise, Section 3G(6) of the National Highways Act, 1956, provides for the application for the provisions of the Arbitration and



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Conciliation Act, 1996, to every arbitration under the National Highways Act.

3. When the National Highways Act, provides for an appeal against the orders of the Competent Authority, this Court, exercising its powers under Article 226 of the Constitution of India, will be competent to invoke its powers under Article 226, for determining the validity of the amount of compensation and the appropriate remedy would be to grant liberty to the petitioner to file an appeal under Section 3G(5) of the National Highways Act, 1956 .

4. Accordingly, the petitioner is granted liberty to file an appeal under 3G(5) of the National Highways Act, 1956, before the Arbitrator/District Collector, within a period of 30 days from the date of receipt of a copy of this order. On receipt of such an appeal, the Arbitrator/District Collector, shall dispose of the appeal, within a period of three (3) months from the date of receipt of the appeal. In view of such a liberty, no interference is required to the impugned award.



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5. With the above liberty, the Writ Petition stands disposed of.

No costs. Connected miscellaneous petitions are closed.

05.04.2023

Speaking order/Non-speaking order

Index: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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