



W.P.No.21055 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.21055 of 2018

P.Thenmozhi

... Petitioner

Vs.

1. The District Collector,
Villupuram.

2. The Authorized officer cum
Special District Revenue Officer,
National Highways(Acquisition),
Villupuram-605 602.

3. The Project Director,
National Highways Authority of India,
Villupuram.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the entire records pertaining to the 1st respondent's proceedings in Na.Ka.(Arbit)Aa1/4041/2015 dated 26.07.2017 and quash the same and consequently directing the respondents herein to work out the due compensation payable to the petitioner in respect of the Survey No.128/2B2 ad-measuring 2080 sq.mtr at Chenji Town, Villupuram District of National Highways Road, No.66, to extend the benefit to petitioner, covered



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judgement of Honourable High Court, Karnataka in W.P.Nos.4205, 42506 of 1999, covered with W.P.No.35755 of 2000 dated 11.10.2002 in Lalitha and another Vs. Union of India and other reported in AIR 2003 Karnataka 165 also with reference to the proceedings of the National Highways Authority of India dated 18.08.2015 by strictly complying the mandatory provisions of circular dated 18.08.2015 issued by the National Highways Authority of India.

For Petitioner	: Mr.K.Sudhakar
For Respondents	:
(for R1 to R2)	: Mr.P.Kumaresan assisted by Mr.D.Ravichander, Spl.Govt.Pleader
(for R3)	: Mr.SU.Srinivasan

ORDER

The arbitral award dated 26.07.2017 is sought to be quashed in the present writ petition.

2. The petitioner states that she is the absolute owner of the land in Survey No.128/2B2. It is not in dispute that the land belonging to the petitioner was acquired for National Highways Road Project (NH 66). The procedures contemplated under the National Highways Act was followed and the objections submitted by the petitioner was considered.



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3. The declaration under Section 3D(1) of the Act was issued and thereafter, the land absolutely vest with the Central Government. The award was passed and the compensation determined was deposited in the joint account of the competent authorities. The petitioner, not satisfied with the quantum of compensation determined preferred an application under Section 3G(5) of the National Highways Act, 1956, before the Arbitrator. The Arbitrator / District Collector adjudicated the issues under Section 3G(5) of the Act and passed final orders in proceeding dated 26.07.2017. The said order is under challenge in the present writ petition.

4. The preliminary objections raised by the learned counsel for the National Highways Authorities is that the writ petition is not maintainable in view of Section 34 of the Arbitration and Conciliation Act, 1996. Under Section 3G(6) of the National Highways Act, the aggrieved persons, from and out of the arbitral award passed under Section 3G(5), is entitled to approach the District Court under Section 34 of the Arbitration and Conciliation Act.

5. When the National Highways Act specifically contemplates an appeal against the order of the Arbitrator then the writ petition is not



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entertainable and the remedy provided under the Act being efficacious, the petitioner has to exhaust the said remedy. Accordingly the petitioner is at liberty to prefer appropriate application under Section 34 of the Arbitration and Conciliation Act before Jurisdictional Court for the purpose of redressing her grievances in the manner known to law.

6. In the event of any such application made by the petitioner, the same shall be decided on merits and in accordance with law. The period during which the writ petition was pending before the High Court is to be taken into consideration for the purpose of condoning the delay for filing the application under Section 36 of the Act. The period of pendency of the writ petition may be excluded in view of Section 14 of the Limitation Act, 1963.

6. With these liberties, the writ petition stands **Disposed of**.
However, there shall be no order as to costs.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

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