



WEB COPY



W.P.No.13498 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.13498 of 2023

T.G.Sridharan

...Petitioner

-Vs-

1. The District Collector cum Arbitrator,
Office of the District Collector,
Thiruvallur.
2. The Competent Authority/Special District Revenue Officer (LA)
NH-205, No. 3 and 4 Lal Bagadthur Sasthiri Street,
Periyakuppam Railway Station
(near) Thulasi Theatre, Thiruvallur.
3. The Project Director
National Highways Authority of India,
Project implementation unit,
"SRI TOWER" 3rd Floor DP-34 (SP) Industrial Estate,
Guindy, Chennai-600032

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the 1st respondent to hear the petitioner and consider the documents filed along with the petition in support of his claim seeking enhancement of compensation and pass orders within a time frame as may be fixed by this Hon`ble Court.



W.P.No.13498 of 2023

For Petitioner : Mr.C.N.G.Niraimathi
For Respondents :
(for R1 & R2) : Mr.P.Sanjay Gandhi, GA
(R3) : Mr.Srinivasan

ORDER

The relief sought in the present writ petition is to direct the first respondent to hear the petitioner and consider the documents filed along with the petition in support of his claim seeking enhancement of compensation and pass orders.

2.The order impugned reveals that the petitioner, in the event of any grievances, has to approach the appellate forum as per Section 34 of the Arbitration and Conciliation Act, 1996. Accordingly, the Principal District Court is the appellate forum and the remedy is efficacious. Therefore, the petitioner has to approach the Principal District Court concerned having jurisdiction for the purpose of redressal of his grievances in the manner known to law.

3.When an appellate remedy is contemplated under the statute, no



W.P.No.13498 of 2023

writ needs to be entertained. The rule is to exhaust the remedy and dispensing with the appellate remedy is an exception. Thus, the petitioner is at liberty to prefer the appeal under Section 34 of the Arbitration and Conciliation Act in the manner contemplated.

4. Accordingly, the writ petition stands **disposed of** . No costs.

(sha)

28.04.2023

Index : Yes

Speaking Order

Neutral Citation : Yes

To

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W.P.No.13498 of 2023

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.13498 of 2023

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