



WEB COPY

W.P.No.26109 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26109 of 2023
and
W.M.P.No.25510 of 2023

A.Palanisami

... Petitioner

Vs.

- 1.The District Collector/Arbitrator,
(National Highways 45A &227),
Cuddalore District,
O/o.The District Collector,
Cuddalore District – 608 001.
- 2.The Special District Revenue Officer/
Competent Authority,
(National Highways 45A &227),
Cuddalore District – 608 001.
- 3.The Special Tasildhar,
National Highways 45A &227,
No.18, Vallalar Nagar, Ammapettai post,
Chidambaram, Cuddalore District.
- 4.The Project Director,
The National Highways Authority of India,
Bommaiyarpalayam,
Puducherry.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents and their men, subordinates and agents, from in any manner demolishing the house building of the Petitioner bearing No.264, South Street, Pillai Mutha Pillai Chavadi, Saliyanthoppu, Cuddalore District-608 401 comprised in R.s.No.145/1 measuring 0.05 cents=2180 Sq.Ft., situated at Kadavachery Village, Chidambaram Taluk, Cuddalore District, till the Revaluation of the Building and disposal of petitioner's Appeal dated 03.09.2021 pending on the file of 1st Respondent/District Collector.

For Petitioner	: Mr.K.Premkumar
For Respondents (For R1 to R3)	: : Mr.T.Arunkumar, Additional Government Pleader.
(For R4)	: Su.Srinivasan, Standing Counsel for NHAI.

ORDER

The relief sought for in the present writ petition is to forbear the respondents and their men, subordinates and agents, from in any manner demolishing the house building of the petitioner.

2. It is not in dispute that the land and building, belonged to the petitioner, was acquired for the purpose of National Highways Project. The award was passed on 28.07.2020 and the compensation determined was



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admittedly received by the petitioner.

3. The learned Counsel for the petitioner states that he preferred an appeal under Section 3-G(5) of the National Highways Act, 1956, seeking enhancement of compensation before the Arbitrator/District Collector on 03.09.2021. During the pendency of an appeal, without assessing the structural value, the respondents are attempted to demolish the same. Thus, the petitioner is constrained to move the present writ petition.

4. Once an appeal has been filed before the Arbitrator under the Arbitration Act, no writ needs to be entertained under Article 226 of the Constitution of India. However, the petitioner is at liberty to submit an application before the Arbitrator/District Collector to reassess the structural value or otherwise, for the purpose of ascertaining the lapses if any found.

5. The learned Senior Standing Counsel, appearing on behalf of the National Highways Authority of India, raised an objection by stating that the structure belonged to the petitioner was already assessed and the quantum of compensation was also determined and paid to the writ petitioner. That being



the factum, the present writ petition is devoid of merits.

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6. May that as it be. The appeal preferred by the petitioner is pending before the Arbitrator. While so, there is no impediment for the Arbitrator to depute the P.W.D. officials for the purpose of reassessing the structure and to give quietus to the issues raised between the Authorities and the petitioner. Thus the District Collector/1st respondent is directed to depute some P.W.D. official for the purpose of reassessing the structural value acquired for National Highways project and accordingly take a decision and communicate the same to the petitioner. The said exercise is directed to be completed within a period of four (4) weeks from the date of receipt of a copy of this order.

7. With this direction, the Writ Petition stands **disposed of**.
Consequently, connected miscellaneous petition is closed. No costs.

07.09.2023

Index:Yes
Speaking order
Neutral Citation:Yes
veda/sha

To



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