



W.P.(MD)Nos.11012 & 10095 of 2014

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :27.01.2023

CORAM

THE HONOURABLE MR.JUSTICE K. KUMARESH BABU

W.P.(MD)Nos.11012 & 10095 of 2014

and

M.P.(MD).No.1 of 2014

W.P.(MD).No.11012 of 2014

E.Vellaichamy

... Petitioner

Vs.

- 1.The District Collector cum
Land Acquisition Arbitrator,
Dindigul District, Dindigul.
- 2.The Special District Revenue Officer/
The Competent Authority,
(Land Acquisition National Highways)
Dindigul.
- 3.The Special Tahsildar,
Land Acquisition, National Highways,
Dindigul.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Na.Ka.No.(AP No.21/09/NH45



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Vadamadurai dated 30.09.2013, on the file of the 1st respondent and quash the same and further directing the respondents to determine the compensation for acquisition of lands in Survey No.1663/3A, 1665/6 measuring about 9, 60 and 785 square meters respectively in Vadamadurai Village, Vedachandur Taluk, Dindigul District at the rate of Rs.2,750/- per square meter along with the value of the building and in accordance with Section 25 and 28 of the Land Acquisition Act 1984.

For Petitioner :Mr.G.Prabhu Rajadurai

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader for R1 to R3

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... Petitioner

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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings in Na.Ka.No.(AP No.21/09/NH45 Vadamadurai) dated 30.09.2013, on the file of the 1st respondent and quash the same and further directing the respondents to determine the compensation for acquisition of lands in Survey No.1663/3A, 1665/2A1 measuring about 2391 and 160 square meters respectively in Vadamadurai Village, Vedachandur Taluk, Dindigul District at the rate of Rs.2,750/- per square meter along with the value of the building and in accordance with Section 25 and 28 of the Land Acquisition Act 1984.

For Petitioner :Mr.G.Prabhu Rajadurai

For Respondents :Mrs.D.Farjana Ghoushia
Special Government Pleader for R1 to R3

COMMON ORDER

These writ petitions have been filed challenging the award passed under the National Highways Act. The award is dated 30.09.2013 and a true copy of the same has been attested 20.06.2014. These writ petitions have been filed on 04.07.2014. These writ petitions which are filed as against the award, are not maintainable. The remedy is open to the petitioner to



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approach the District Court concerned by invoking Section 34 of the Arbitration Act. I find that the order impugned in these writ petitions have been certified as a true copy only on 20.06.2014 and the writ petitions have been filed, immediately thereafter on 04.07.2014.

2.Section 14 of the Limitation Act, provides for exclusion of the period that had been spent before the wrong forum. In this case, the period from the date of filing the writ petitions till the date of this order shall be excluded and that the petitioner shall approaches the appropriate Court, challenging the award, dated 30.09.2013 in Na.Ka.No.AP No.21/09/NH45, Vadamadurai.

3.With the aforesaid liberty, these writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

27.01.2023

Index : Yes / No
Speaking Order/Non Speaking Order
sbm



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K.KUMARESH BABU, J.

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