



W.P.(MD)No.3940 of 2016

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2023

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.3940 of 2016

and

W.M.P.(MD).No.3523 of 2016

J.Ajitha Rani

... Petitioner

Vs.

1.The District Collector,
Kanyakumari District.

2.The District Revenue Officer,
Kanyakumari District.

3.The Special Tahsildar,
(National Highways Land Acquisition),
Vilavankodu Taluk, Tahsildar Officer,
Vilavankodu Taluk, Kanyakumari District.

4.The National Highways of India,
Land Acquisition, New Delhi.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the Special Tahsildar, Vilavankodu Taluk, Kanyakumari District, the 3rd respondent herein to award just compensation for the acquisition of the land of the petitioner in



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respect of lands situated in Survey Nos.29/5, 754, 28/15, 29/6, 29/7, Kullapuram Village, Kanyakumari District similar to the award of acquisition made by the Special Tahsildar, Land Acquisition NH Unit II Neyyattinkara, Kerala State by considering the representation of the petitioner dated 10.12.2014.

For Petitioner	: Mr.S.Siva Thilakar
For R1 to R3	: Mrs.D.Farjana Ghoushia Special Government Pleader
For R4	: Mr.S.Sankarapandian for M/s.C.Arul Vadivel Associates

ORDER

The petitioner seeks just compensation for the acquired lands at Kullapuram Village, Kanyakumari District.

2.The learned Special Government Pleader for the respondents 1 to 3 submits, by producing the proceedings in Na.Ka.No.J2/03/2015, dated 30.01.2023, that the petitioner received the aggregate sum of Rs.1,79,67,346/- (Rupees One Crore Seventy Nine Lakhs Sixty Seven Thousand Three Hundred and Forty Six Only) as compensation.



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3.In the counter affidavit filed by the 4th respondent, in paragraph Nos.8 & 9, it is stated that the petitioner has received not only compensation fixed by the authority but also additional compensation ordered by the arbitrator / District Collector. Consequently, it is stated that the petitioner's remedy is by way of filing a petition under Section 34 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') before the Principal District Court, Nagercoil.

4.The statements made in the counter affidavit of the 4th respondent are liable to be accepted inasmuch as the remedy provided for under the National Highways Act in relation to the award of the District Collector is by way of a challenge under Section 34 of the Act. Therefore, W.P.(MD)No.3940 of 2016 is disposed of, by leaving it open to the petitioner to assail the award by way of filing a petition under Section 34 of the Act. Ordinarily, a petition under Section 34 of the Act should be filed within a period of three months from the date of receipt of the award. In this case, the petitioner instituted the proceedings before this Court and,



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therefore, did not approach the Principal District Court concerned within the said three month period. The petitioner has prosecuted the present petition *bona fide*. Therefore, the receiving Court is called upon to extend the benefit of Section 14 of the Limitation Act, 1963 upon receipt of the petition under Section 34 of the Act from the petitioner. There shall be no order as to costs. Consequently, connected W.M.P.(MD)No.3523 of 2016 is closed.

23.03.2023
(4/4)

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
MYR

To

1.The District Collector,
Kanyakumari District.

2.The District Revenue Officer,
Kanyakumari District.

3.The Special Tahsildar,
(National Highways Land Acquisition),
Vilavankodu Taluk, Tahsildar Officer,



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Vilavankodu Taluk, Kanyakumari District.

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SENTHILKUMAR RAMAMOORTHY, J.

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