



W.P.Nos.10185, 10213, 10219, 10224,  
10231, 10236 & 10238 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.09.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE S.SOUNTHAR**

**W.P.Nos.10185, 10213, 10219, 10224,**  
**10231, 10236 & 10238 of 2023**  
**and**  
**WMP.Nos.10243, 10226, 10235,**  
**10239, 10203, 10229 & 10231 of 2023**

In W.P.No.10185 of 2023  
Meenambal

...Petitioner

Vs.

- 1.The District Collector  
Cuddalore District  
Cuddalore.
- 2.The Project Director  
National Highways Department  
PIU No.28/29, First Cross Street  
Ganapathi Nagar, Arumparthapuram  
Puducherry 605 110.
- 3.The Special District Revenue Officer/  
Competent Authority  
National Highways 45A (Acquisition)  
Collectorate, Cuddalore.



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4.The Special Tahsildar (Land Acquisition)  
(National Highways 45A)  
Cuddalore.

...Respondents

**Prayer in W.P.No.10185 of 2023:** Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the third respondent relating to the order dated 10.10.2019 in L.A./N.H 45 A/A1/556/2018, quash the same and direct the respondents to evaluate the constructions in the petitioner's property in S.No.78/2A2 in Sedappalayam Village, Cuddalore Taluk and District and grant proper compensation.

For Petitioners in  
all W.P.Nos. : Mrs.Hema Sampath  
Senior Counsel  
for Ms.R.Meenal

For Respondents : Mr.P.Sathish for R1, R3 & R4  
all W.P.Nos. Special Government Pleader  
Mrs.S.R.Sumathi for R2  
Standing Counsel



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### **COMMON ORDER**

All these Writ Petitions have been filed challenging the award passed by the third respondent fixing compensation payable to the petitioners for the extension of National Highways.

2. The learned Senior Counsel appearing for the petitioners assailed the impugned order passed by the third respondent on the ground that while fixing the compensation for the lands of the petitioners acquired for extension of National Highways, the building standing in the acquired lands were not taken into consideration by the respondents mainly on the ground that the construction on the building had taken place, subsequent to the land acquisition notification.

3. The learned Senior Counsel appearing for the petitioners further submitted that in the impugned award, the third respondent considered the claim of the petitioners whose names are found place in the revenue records. The learned Senior Counsel for the petitioners further stated that all the



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petitioners belonged to very same family and it is the family property, therefore, all of them are having distinct interest in the property and the same has not been considered by the third respondent.

4. As per Section 3G (5) of the National Highways Act, any person aggrieved by the award passed by the Competent Authority determining the quantum of compensation payable can file an application before the Arbitrator appointed by the Central Government. The questions raised by the learned Senior Counsel for the petitioners with regard to the timing of construction and with regard to the entitlement of the petitioners to receive compensation etc., are all question of facts which can be decided only based on the evidence to be let in by the parties. Therefore, this Court cannot go into the questions raised by the petitioners in the writ jurisdiction. However, the petitioners have an effective alternative remedy of seeking Arbitration under Section 3G (5) of the National Highways Act.

5. It is also brought to the notice of this Court that the impugned award copy was served on the petitioners only during June 2022 in response to the RTI query raised by the petitioners and the same can be gathered from the



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proceedings of the third respondent dated 17.06.2022 in ந.க.தே.நெ.45ஏ/

நிள.அ1/307/2022.

6. Therefore, there is no impediment for the petitioners to file an application before the Arbitrator appointed by the Central Government. It is not in dispute that the first respondent is the Arbitrator entitled to decide the application filed under Section 3G (5) of the National Highways Act. Therefore, the petitioners are granted liberty to file a claim petition before the first respondent within a period of four weeks from the date of receipt of copy of this order. The first respondent shall consider the claim petition of the petitioners in accordance with law as per the provisions of Arbitration and Conciliation Act and pass final award as expeditiously as possible preferably within a period of one year from the date of receipt of copy of this order.

7. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

8. As far as the quantum of compensation determined in respect of the lands, there is no dispute. The dispute is only with regard to timing of



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constructions found in the said land and it's value. Therefore, the petitioners are entitled to withdraw that portion of the compensation as determined by the third respondent after making appropriate application before the third respondent satisfying him with regard to the entitlement of the petitioners to receive the compensation.

**10.09.2024**

Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
dna

**To**

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Cuddalore.
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Collectorate, Cuddalore.

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**S.SOUNTHAR, J.**  
dna

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