



WEB COPY



W.P.No.18136 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

CORAM

THE HON'BLE **MS.JUSTICE P.T.ASHA**

W.P.No.18136 of 2024

and

W.M.P.Nos.19928 and 19931 of 2024

Chithra

... Petitioner

Vs.

1. The Arbitrator cum District Collector,
Collector Office,
Dharmapuri District.
2. The Competent Authority &
Special District Revenue Officer-
Land Acquisition,
National Highway-844,
Dharmapuri District.
3. The Project Director (NH 844),
National Highways Authority of India,
PIU-Krishnagiri,
No.259/1, Salem Main Road,
Near KaKC Petrol Bunk,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the 1st



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respondent in proceeding No.S.R.7/2020/U2 dated 08.01.2022 quash the same and consequently direct the 1st respondent to re-determine the compensation at the rate of Rs.1810/- per Sq.meters to the petitioner's land in Survey No.448/2 an extent of 714 Sq.meters is situated at A.Reddihalli Village, Dharmapuri Taluk & District, on the basis of higher compensation awarded by the respondents to the neighboring lands in Survey No.448/3B and 448/5D.

For Petitioner : Mr.P.M.Jayachandran
For Respondents :
For R1 & R2 : Mr.M.R.Gokul Krishnan
Additional Government Pleader
For R3 : Mr.S.V.Srinivasan

ORDER

This Writ Petition has been filed for a Certiorarified Mandamus to call for the records of the 1st respondent in proceeding No.S.R.7/2020/U2 dated 08.01.2022 quash the same and consequently direct the 1st respondent to re-determine the compensation at the rate of Rs.1810/- per Sq.meters to the petitioner's land in Survey No.448/2 an extent of 714 Sq.meters is situated at A.Reddihalli Village, Dharmapuri Taluk & District, on the basis of higher compensation awarded by the respondents to the neighboring lands in Survey No.448/3B and 448/5D.

2. Aggrieved by the Order passed by the 1st Respondent dated 08.01.2022, the Petitioner has filed the present Writ Petition.



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3. The Petitioner seeks to question the Order passed by the 1st Respondent under Section 3G(5) of the National Highways Act, 1956. The said Act contemplates the application of the provisions of the Arbitration and Conciliation Act, 1996 to the Arbitration under this Act.

4. Under Section 3G(5) of the National Highways Act, 1956, the 1st Respondent discharges the functions of an Arbitrator. A Remedy is only by way of an application under Section 34 to the Competent Court. The Petitioner cannot take out an application seeking a direction to the 1st Respondent to once again review the Award passed by him which is treated as an Award under the Arbitration and Conciliation Act, 1996.

5. Therefore, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes/No
Speaking/Non-speaking Order
Neutral Citation : Yes/No
rgm



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P.T.ASHA, J.

rgm

To

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