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WP.No.35071 of 2024

In the High Court of Judicature at Madras

Dated : 26.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.35071 of 2024

Mr.Murugan

Vs

...Petitioner

1.The Arbitrator-cum-District
Collector, Office of the
District Collectorate,
Dharmapuri, Dharmapuri
District.

2.The Competent Authority-cum-
District Revenue Officer, Land
Acquisition, National Highway
No.844, Dharmapuri,
Dharmapuri District.

3.The Special Tahsildar, National
Highway No.844, Dharmapuri,
Dharmapuri District.

4.The National Highways Authority
of India, rep.by its Project
Director (NH 844), PIU
Krishnagiri, 259/1, Salem Main
Road, Near KAKC Petrol Bunk,
Krishnagiri.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioner's review petition dated 20.7.2023 and to enhance the value for the land measuring an extent of 2,631



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sq.meters in S.No.231/1B at Chudanur Village, Palacode Taluk, Dharmapuri District and building, well/bore well, trees and others within a time frame to be fixed by this Court.

For Petitioner	:	Mr.J.Ramesh
For R1 to R3	:	Mr.A.Selvendran, SGP
For R4	:	Mr.Su.Srinivasan, Standing Counsel

ORDER

Seeking a direction to the first respondent to consider his review petition dated 20.7.2023 for enhancement of compensation for the lands acquired by the second respondent measuring an extent of 2,631 sq.meters in S.No.231/1B at Chudanur Village, Palacode Taluk, Dharmapuri District and building, well/bore well, trees and others, the petitioner is before this Court.

2. Heard the learned counsel for the petitioner, the learned Special Government Pleader accepting notice for respondents 1 to 3 and the learned Standing Counsel accepting notice for the fourth respondent.

3. A perusal of the documents enclosed along with the affidavit filed in support of the writ petition would indicate that the subject



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lands of the petitioner were acquired by the second respondent for the purpose of building (widening/four laning etc.), maintenance, management and operation of the National Highway No.844. The Notification under Section 3A(1) of the National Highways Act, 1956 was issued on 25.6.2019.

4. It appears that the petitioner already questioned the compensation paid for the acquisition by filing a claim petition before the first respondent on 29.3.2022 under Section 3G(5) of the Act, in which, the first respondent passed an arbitral award on 31.3.2023. As against the said arbitral award, the review petition has been filed on 20.7.2023 before the first respondent. In this writ petition, the petitioner seeks a direction to the first respondent to consider the said review petition.

5. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

6. When the matter came up for admission, this Court posed a question to the learned counsel for the petitioner as to under what provision, a review would lie before the first respondent since the first



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respondent does the role of an arbitrator and the procedure before him is governed by the Arbitration and Conciliation Act, 1996, which does not contemplate a review petition before the Arbitrator. There was no answer to this. Section 33 of the Arbitration and Conciliation Act contemplates correction and interpretation of the award to correct any computation errors, clerical or typographical errors or errors of similar nature. However, the petitioner is seeking a review of the award, for which, there is no provision under this Act. In the considered view of this Court, any challenge to the award passed is only by way of an application under Section 34 of the Arbitration and Conciliation Act. When the review petition is not maintainable, a direction to the first respondent to dispose of the same cannot be granted.

7. Accordingly, the writ petition is dismissed. No costs.

26.11.2024

To

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2.The Competent Authority-cum-
District Revenue Officer, Land



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Acquisition, National Highway
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- 4.The Project Director (NH 844), National Highways Authority of India, PIU Krishnagiri, 259/1, Salem Main Road, Near KAKC Petrol Bunk, Krishnagiri.

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