



W.P.No.36217 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2024

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THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.36217 of 2023

and

W.M.P.No.36214 of 2023

Periyasamy

... Petitioner

Vs.

1. The District Collector,
Office of the District Collectorate,
Dharmapuri District.
2. The Competent Authority cum DRO,
National Highway No.844,
Dharmapuri.
3. The Special Tahsildar,
National Highway No.844,
Dharmapuri.
4. The National Highways Authority of India,
Represented by its Project Director (NH 844),
PIU-Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of



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India, to issue a Writ of Mandamus, directing the respondent to revisit and fix the correct value for one well with 100 feet depth and 15 metres radius (constructed with black stone) several trees, motor shed and others, which were not taken into account by the second respondent in S.No.259/1(S.No.259/1B) at Velagalahalli Village, Palacode Taluk, Dharmapuri District, on the basis of the representation dated 23.11.2023 within the stipulated time.

For Petitioner : Mr.A.Sathishkumar

For R1 to R3 : Mr.R.Vigneshwaran
Government Advocate

For R4 : Mr.Su.Srinivasan
Standing Counsel for NHAI

ORDER

This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondent to revisit and fix the correct value for one well with 100 feet depth and 15 metres radius (constructed with black stone) several trees, motor shed and others, which were not taken into account by the second respondent in S.No.259/1(S.No.259/1B) at Velagalahalli Village, Palacode Taluk, Dharmapuri District, on the basis of the representation dated 23.11.2023.

2. Heard the learned counsel appearing for the petitioner, the



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learned Government Advocate appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the fourth respondent.

3. It is submitted by the learned Standing Counsel appearing for the fourth respondent/NHAI that arbitration award has been passed. If at all the petitioner is aggrieved with the arbitration award, he has to file an appeal under Section 34 of the Arbitration Act before the Principal District Judge concerned, who is the appellate authority.

4. Admittedly, based on the representation made by the petitioner, the District Collector cum Arbitrator has passed an order dated 24.06.2022. If at all the petitioner aggrieved over the same, he has to approach the appropriate appellate authority. Since the petitioner has alternative statutory remedy before the appellate authority, he is not entitled to seek the relief as sought for in this writ petition.

5. In view of the above, the Writ Petition is dismissed. There shall



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be no order as to costs. Consequently, connected miscellaneous petition is closed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

02.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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P.VELMURUGAN, J.

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