



W.P(MD)No.4003 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4003 of 2023

and

W.M.P.(MD)Nos.3873, 17993 and 23463 of 2023

M.Rajangam

... Petitioner

Vs.

1.The Competent Authority cum
Special District Revenue Officer,
National Highways 227 (Land Acquisition),
Collector Office Old Building,
2nd Floor, Tiruchirapalli - 001.

2.National Highways Authorities of India,
Rep. by its Project Director,
Tiruchirapalli - Chidambaram NH 227,
Vilupuram, Vilupuram District.

3.The District Collector Cum
Arbitrator of National Highways,
O/o.Collectorate, Peria Milagu Parai,
Tiruchirapalli - 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to set aside the
order, calling for the records relating to the impugned order passed by the



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1st respondent in Na.Ka.A-432/2015 (Ar.O.P.No.28/2020) dated 4.01.2023 and consequently direct the respondents to issue compensation to the land taken up to 473 square meters as per the Government Guideline value.

For Petitioner : Mr.S.Ramanathan

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader for R1 & R3.
Mr.S.Sanakara Pandian,
For M/s.Arul Vadivel Associates for R2.

ORDER

Heard both sides.

2.The case on hand pertains to enhancement of award amount. The petitioner's land had been acquired under National Highways Act, 1956. Questioning the arbitration award passed by the District Collector, the petitioner filed Arbitration Original Petition No.28 of 2020. It was allowed on 01.09.2022 in the following terms:-

“37) In view of my above discussion, the contention of the learned counsel for the petitioner is acceptable and the award passed by the 1st respondent/Competent Authority and 3rd respondent/Arbitrator is set aside and the petitioner is permitted to initiate a fresh arbitration in



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respect of his acquired lands under National Highways Act, 1956 before the Competent Authority for reconsideration of the award amount as per the afore said rulings. Accordingly I answered the points 1 and 2.

In the result, this petition is allowed and the Arbitration Award passed by the 3rd Respondent/ Arbitrator in Appeal No. 9/2018 dated 10.12.2019 confirming the award passed by the 1st Respondent/Competent Authority in Award No:22/2018-19 Na.Ka.No.B/432/2015 dated 18.05.2018 in respect of petitioner's land acquisition for the purpose of the National Highways / 2nd Respondent is set aside and the Competent Authority is hereby directed to reconsider the claim of the petitioner with respect to the acquired lands by following the procedure laid down under National Highways Act, 1956. No cost.

3.The matter was remitted to the file of the competent authority. Pursuant to the said order passed under Section 34 of the Arbitration and Conciliation Act, 1996, the competent authority went into the issue once again. The grievance of the petitioner is that the very same award was passed. Questioning the same, the present writ petition has been filed.

4.As rightly pointed out by the learned standing counsel for NHAI, the petitioner has to once again go before the District Collector. If aggrieved by this award, then, he has to file a petition under Section 34 of the Arbitration and Conciliation Act, 1996. Filing this writ petition is misconceived. In this case,



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the impugned order was passed on 04.01.2023 and the writ petition was filed on 21.02.2023 itself. Therefore, the petitioner is permitted to file an appeal under Section 3G(5) of the National Highways Act before the third respondent. If such an appeal is filed within a period of three weeks from the date of receipt of a copy of this order, it shall be entertained without reference to limitation. The District Collector is directed to dispose of the petitioner's appeal on merits and in accordance with law within a period of six months thereafter.

5.The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

05.07.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

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2.The District Collector Cum
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G.R.SWAMINATHAN, J.

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