



W.P.(MD)No.14455 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 30.01.2024

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THE HONOURABLE **MRS.JUSTICE V.BHAVANI SUBBAROYAN**

W.P(MD)No.14455 of 2023

P.S.Lanin

...Petitioner

/Vs./

- 1.The Secretary,
Ministry of Road Transport and Highways,
Transport Bhawan,
No. 1, Parliament Street,
New Delhi.
- 2.The General Manager,
Regional Office,
The National Highways Authority,
Mattuthavani, Madurai.
- 3.The Project Director Cum DGM (Tech),
No.314e, K.P. Road,
Near Ayappan Kovil,
Parvathipuram, Nagercoil 629 003,
Kanyakumari District.
- 4.The District Collector / Arbitrator,
Kanyakumari District, Nagercoil.

5.*****

(R5 is Deleted Vide Court Order Dated 20.06.2023)

...Respondents



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Prayer: Writ Petition - filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to release the funds required for payment of compensation for the petitioner's S.No.338/13B Aralvaoimozhi Village, Thovalai Taluk, Kanyakumari District as awarded by the 4th respondent in the Arbitration Award dated 28.02.2019 together with all benefits and interest as per Section 80 of the Act 30/13 by passing orders on the representation dated 13.09.2022.

For Petitioner : Mr.G.Justin

For Respondents : Mr.Karthikeyavenkitachalapathy (R1)
Senior Panel Counsel for Central Govt.
Mr.Su.Srinivasan (R2 & R3)
Standing Counsel for NHAI
Mr.D.Gandhiraj (R4)
Special Government Pleader

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the respondents 1 and 2 to release the funds required for payment of compensation for the petitioner's S.No.338/13B Aralvaoimozhi Village, Thovalai Taluk, Kanyakumari District as awarded by the 4th respondent in the Arbitration Award dated 28.02.2019 together with all benefits and interest as per Section 80 of the Act 30/13 by passing orders on the representation dated 13.09.2022.



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3. The learned counsel appearing for the respondents 2 and 3 by way of filing counter affidavit submits that the petitioner after receiving compensation had filed arbitration petition before the fourth respondent, who had conducted enquiry and issued order to enhance the land value based on the guideline value and accordingly, the fifth respondent paid the enhanced compensation, which has also been paid to the petitioner by way of ECS cheque along with interest at 9%. The arbitral award could be challenged within the period prescribed under Section 34(3) of the Arbitration and Conciliation Act, 1996, which the petitioner did not choose to do. Hence, the arbitral award has attained finality and prayed for dismissal of this writ petition.



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4. Heard the learned counsel appearing for the petitioner and the learned counsel and Government Pleader appearing for all the respondents.

5. On going through the averments, it is clear that the petitioner's land was acquired by NHAI and the authorities have fixed the compensation, which was also paid to the petitioner and it was enhanced by an arbitral award, which was also paid to him in the year 2018 itself. Now, the petitioner seeking further compensation to which he is not entitled by invoking Article 226 of the Constitution of India by way of filing writ petition is not reasonable and this Court has no jurisdiction to entertain it. Hence, the writ petition is liable to be dismissed and accordingly, the same is dismissed. No costs.

30.01.2024

NCC : Yes/No

Index : Yes/No

Internet: Yes/No

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1. The District Collector / Arbitrator,
Kanyakumari District, Nagercoil.



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V.BHAVANI SUBBAROYAN, J.

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Order made in
W.P(MD)No.14455 of 2023

Dated:
30.01.2024