



W.P.(MD) No.13568 of 2015

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.13568 of 2015
and
M.P.(MD) Nos.1 and 2 of 2015

M.Anbuchezhian

.. Petitioner

Vs.

1.The Arbitrator for Land Acquisition
under National Highways Act,
(District Collector),
Theni District, Theni.

2.The Competent Authority cum
District Revenue Officer,
Theni District, Theni.

3.The Project Director,
National Highways Authority of India,
83/1, SBI 1st Colony Extension,
Bye Pass Road, Madurai-625 016.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the 1st respondent in the Na.Ka.No. AP.No. 53/2015/Theni/NH-45E and 220/unit II, dated



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13.03.2015, confirming the order of the 2nd respondent/competent authority, in Na.Ka.No.43/2010/Si/Maa/Va/A/Ne/E, dated 05.03.2013 and quash the same as illegal and unlawful and thereby direct the respondents, to make an award by following the procedures contemplated under sections 24(2)(3), 26(1)(A) and 3 and other competent provisions of Arbitration and Conciliation Act, read with National Highways Act, 1956, as given Rs. 60/- per sq. foot, in S.No.1419 which is the same kind of land of this petitioner S.No.1430/2(B) and the valuation for the open well and coconut trees, buildings, bore well, etc., by appointing an expert committee, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Sivakumar
For R1 & R2 : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition is filed challenging an order passed by the first respondent, dated 13.03.2015.

2. Section 3G(5) of the National Highways Act, 1956 (hereinafter referred to as “the Act”) contemplates if the amount fixed by the competent authority is not acceptable to a party, the amount shall, on an



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application by either party, be determined by an Arbitrator to be appointed by the Central Government.

3. In the instant case, the District Collector is the named Arbitrator. Section 3G(6) of the Act would provide that “subject to the provisions of the Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) would apply to every arbitration under this Act.” Therefore, the order passed by the first respondent under Section 3G(5) of the Act becomes an award. The Arbitration and Conciliation Act, 1996 sets out the procedure for arbitral proceedings. Section 34 of the Arbitration and Conciliation Act is the provision under which arbitral awards can be set aside. Section 5 of the Arbitration Act clearly sets out that “notwithstanding anything contained in any other law for the time being in force, in matters governed by this Part, no judicial authority shall intervene except who are so provided in this Part”. Therefore, under Arbitration and Conciliation Act, a challenge to an award is only in the form of an application under Section 34 of the Arbitration and Conciliation Act to the Jurisdictional Court.



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4. Therefore, in the light of the above, the present writ petition is not maintainable and the same is dismissed, accordingly, No costs.

14.08.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes

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P.T.ASHA, J.

abr

To

- 1.The Arbitrator for Land Acquisition
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(District Collector),
Theni District, Theni.
- 2.The Competent Authority cum
District Revenue Officer,
Theni District, Theni.

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