



W.P.(MD)No.27010 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD)No.27010 of 2024
and W.M.P(MD)No.22892 of 2024

1.Geragory

2.Hema Geragory

... Petitioners

/Vs./

1.The District Collector,
Kanyakumari District
At Nagercoil – 629 001

2.The Competent Authority Land Acquisition/
Special District Revenue Officer,
National Highways Land Acquisition Office,
2/17, Observatory Street,
Ramavarmapuram, Nagercoil,
Kanyakumari District – 629 001

3.The Project Director,
National Highways,
Nagercoil,
Kanyakumari District.

4.The Special Tahsildar,
For National Highways, Unit-I,
(Valliyoor, Nagercoil, Vilavancode),
Kanyakumari District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified mandamus calling for the impugned



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order passed by the first respondent through his proceeding in Na.Ka.U2/28925/2021 dated 10.10.2022 and to quash the same as illegal and consequently direct the first respondent to fix the enhanced compensation amount along with the interest at the rate of 9% and to deposit the same in favour of the petitioners within the time stipulated by this Court.

For Petitioners	: Mr.M.R.Srinivasan
For R1 & R4	: Mr.A.Kannan Additional Government Pleader
For R2	: Dr.R.Rajagopal Standing Counsel
For R3	: Mr.Su.Srinivasan

ORDER

This Writ Petition is filed for issuance of Writ of Certiorarified Mandamus to quash the impugned order passed by the first respondent through his proceeding in Na.Ka.U2/28925/2021 dated 10.10.2022 and for consequential direction to the first respondent to fix the enhanced compensation amount along with the interest at the rate of 9% and to deposit the same in favour of the petitioners within the time stipulated by this Court.

2. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.



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3. The lands in Re.Sy.No.661/19 to an extent of 9.285 cents, in Re.Sy.No.661/20 to an extent of 39.520 cents and in Re.Sy.No.661/21 to an extent of 48.165 cents of villukuri Town Panchayat, Kalkulam Taluk, Kanyakumari District, were acquired by the respondents to widen the national Highway-47. After following the procedure contemplated under the Act, the award was passed on 13.08.2015 in Award No.2/2015. The petitioner challenged the award on 01.09.2021 invoking Section 3G(5) of the National Highways Act. Meanwhile, the Award amount was deposited by the respondents. The first respondent through his proceedings in Na.K.No.U2/28925/2021 passed the impugned order confirming the order of the competent authority. The petitioner aggrieved by the impugned order has filed the present Writ Petition for the aforesaid relief.

4. Heard the learned counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 and 3, the learned Standing Counsel for the second respondent and the learned counsel for the third respondent.



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5. Section 3G(6) of the National Highways Act states that the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) apply to every arbitration under the Act. Therefore, the petitioner has a efficacious and alternative remedy under Section 34 of the Arbitration Act before the competent District Court against the impugned order. Hence, I am of the view that the petitioner has to be relegated to the alternative and efficacious remedy provided under the Arbitration Act. Ergo, the Writ Petition challenging the impugned order cannot be sustained. I therefore find no merits in the Writ Petition and hence it is dismissed. In any event, the petitioner is at liberty to work out his remedy against the impugned order before the competent District Court, if advised.

6. With the above observation, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.11.2024

Index : Yes / No
NCC : Yes / No
CM



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N.MALA, J.

CM

Order made in
W.P.(MD)No.27010 of 2024
and W.M.P(MD)No.22892 of 2024

Dated:
13.11.2024