



W.P.(MD) No.16733 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.16733 of 2017

and

W.M.P.(MD) No.13343 of 2017

N.Kamalahasan

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Special District Revenue Officer
(Land Acquisition),
National Highways No.45,
Dindigul District, Dindigul.

3.The Special Tahsildar (Land Acquisition),
National Highways No.45,
Dindigul, Dindigul District.

4.The Project Officer,
National Highways of India No.45,
6, 1st Floor, 3rd Main Road,
Trichy-620 001.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent in A.P.No.119/2013/Seelapadi/NH45 on 24.10.2013 and quash the same, consequently enhance the award a sum of Rs.10,000/- per square feet acquired land in 840 square meter in S.No. 734/3B2, situated at Seelapandi Village, Dindigul Taluk, Dindigul.

For Petitioner	:	Mr.C.Sankar Prakash
For R1 to R3	:	Mr.B.Saravanan Additional Government Pleader
For R4	:	Mr.R.Rajagobal

ORDER

The above writ petition is filed challenging an order passed by the first respondent, dated 24.10.2013.

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.

04.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

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Dindigul.
- 2.The Special District Revenue Officer
(Land Acquisition),
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Dindigul District, Dindigul.
- 3.The Special Tahsildar (Land Acquisition),
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Dindigul, Dindigul District.



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P.T.ASHA, J.

abr

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