

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2025

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

REV.APLW No. 124 of 2022

against

WP No.10516 of 2020

1. Annamalai

Mal 66 years, S/o.Ranganathan,
Residing at Main Road,
Nandeewarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.
Cuddalore

2. Vanangamudi

Mal 62 years, S/o.Ganesan
Residing at Main Road,
Nandeewarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

3. Baskaran

Mal 47 years, S/o.Srinivasan,
Residing at Main Road,
Nandeewarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

4. Devendran

Mal 66 years, S/o.Samithurai
Residing at Main Road,
Nandeewarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

5. Thamodharan



Mal 27 years, S/o.Jagadeesan,
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

6. Dhanalakshmi
Female 68 years, W/o.Pavadai,
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

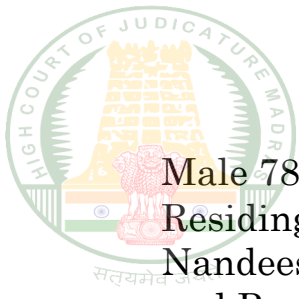
7. Gunasekaran
Male 62 years, S/o.Rajamanickam
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

8. Mani
Male 66 years, S/o.Rajamanickam
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

9. Manokaran
Male 52 years, S/o.Pitchaimuthu,
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

10. Manonmani
Female 55 years,
W/o.Mathiyazhagan Residing at
Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

11. Nagarathinam



Male 78 years, S/o.Shanmugam
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

12. Selvaraj
Male 53 years, S/o.Ramachandran
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

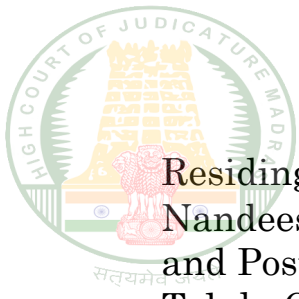
13. Selvarasu
Male 56 years, S/o.Rajamanickam
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

14. Ramalingam
Male 65years, S/o.Samithurai
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

15. Sakunthala
Female 65 years, W/o.Jayabalan,
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

16. Sebasthiammal
Female 49 years, S/o.Sebasthiyan
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

17. Sivasundari
Female 55 years, W/o.Anbazhagan



Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

18. Dhanapathy
Female 68 years,
W/o.Subramanian Residing at
Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

19. Thiruvathurai
Male 69 years, S/o.Samithurai,
Residing at Main Road,
Nandeeswarammangalam Village
and Post - 608 702. Srimushnam
Taluk, Cuddalore District.

Appellant(s)

Vs

1. The District
Collector/Arbitrator
Cuddalore District, Cuddalore

2.The Land Acquisition officer
NH 45-C / District Revenue
Officer, Collectorate, Villupuram

3.The Project Director
National Highways 45-C,
Natarajapuram Colony, Medical
College Road, Tanjore.

Respondent(s)

PRAYER

Review Application filed under Order 47 Rule 1 & r/w.114 of CPC to
review the order passed by this Court made in W.P. No. 10516 of
2020, dated 17.08.2020 and pass orders.



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REV.APLW No. 124 of 2022



For Appellant(s): Mr.C.Prakasam
For Mr.G.Velu
Respondent(s): Additional Government
Pleader for R1 and R2
Mr.Su.Srinivasan, Standing
Counsel For R3

ORDER

This review application has been filed to review the order passed in WP No.10516 of 2020 dated 17.08.2020.

2. Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.G.Velu, learned Additional Government Pleader for Respondents 1 and 2 and Mr.Su.Srinivasan, learned Standing Counsel for 3rd respondent.

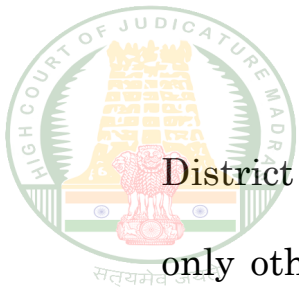
3. The writ petition filed by the petitioners was dismissed mainly on the ground that as against the order passed by the District Collector under Section 3 (G) (5), Section 3 (G) (6) of the National Highways Act (hereinafter called as the Act), provides that the provisions of the Arbitration and Conciliation Act, 1996, will apply. Hence, as against the award passed by the District Collector, only proceedings under Section 34 of the Tamil Nadu Arbitration and Conciliation Act, can be initiated.



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4. The review application has been filed mainly on the ground that the District Collector did not take into consideration any of the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [hereinafter referred to as the RFCTLARR Act] and mechanically passed the award. Therefore, according to the learned counsel for the petitioner, non compliance of the 2013 Act, was the subject matter in the writ petition and the provisions under 3 (G) (6) of the National Highways Act, should not have been put against the petitioner.

5. It is an admitted case that the acquisition was under the National Highways Act. The petitioner was not satisfied with the compensation fixed by the competent authority. Therefore, an application under Section 3 G (5) of the Act was filed before the Arbitrator. The Arbitrator has passed an award. The grievance is that while passing the award, the District Collector did not take into consideration the provision of RFCTLARR Act. The District Collector not taking into consideration the provisions of the said Act by itself will not take away the fact that the award passed by the



District Collector was under Section 3 G (5) of the Act. Hence, the only other remedy that is available to the petitioner is to go before the concerned District Court under Section 34 of the Arbitration and conciliation Act.

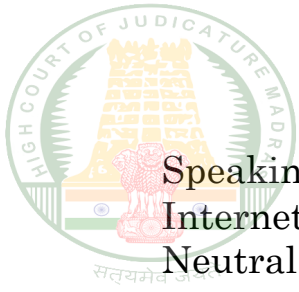
6. This Court does not find any error apparent on the face of the order requiring the review of the order passed in the writ petition. However, liberty is granted to the petitioners to file an application under Section 34 of the Arbitration and Conciliation Act before the concerned jurisdictional District Court, within a period of four weeks from the date of receipt of a copy of this order. On such application being filed, the concerned District Court shall deal with the same on its own merits and in accordance with law after affording opportunity to the petitioners and the National Highways Department.

7. This review application is disposed of in the above terms. No costs.

01-07-2025

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Index:Yes/No



Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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To

1.The District collector/Arbitrator
Cuddalore District, Cuddalore.
Cuddalore

2.The Land Acquisition officer
Nh 45-c / District Revenue Officer,
Collectorate, Villupuram

3.The Project Director
National Highways 45-c,
Natarajapuram Colony, Medical
College Road, Tanjore.



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