



W.A(MD)No.1678 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 25.06.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD)No.1678 of 2025
and
C.M.P(MD)Nos.9411 & 9412 of 2025**

The Deputy General Manager
(Technical) cum Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.39, III-Cross Street,
Kalyana Sundaram Nagar,
Karumandapam,
Tiruchi – 620 001.

... Appellant /
3rd Party

Vs.

1.S.M.A.S.Mohamed Mydeen,
S/o.AyyavuShiek Saibu,
Asath Road, Elangakurichi,
Manaparai Taluk,
Trichy District.

... Respondent /
Writ Petitioner

2.The District Collector,
Tiruchirappalli District.

3.The Special Officer cum
District Revenue Divisional Officer
(Land Acquisition),



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Perambalur, Tiruchirapalli,
And Thanjavur District,
National Highways No.45,
Tiruchirappalli.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order passed by this Court dated 19.08.2024 made in W.P(MD)No.4117 of 2016.

For Appellant : Mr.P.Karthick

For Respondents : Mr.H.Thayumanasamy for R.1

Mr.N.Ramesh Arumugam
Government Advocate
for R.2 & R.3

JUDGMENT

(Judgment of the Court was made by **G.R.Swaminathan J.**)

Heard both sides.

2.The petition mentioned land was acquired under the provisions of the National Highways Act, 1956. The Special Officer cum District Revenue Officer (Land Acquisition), Perambalur, Tiruchirappalli passed an award fixing the compensation.

3.The learned counsel for the appellant would claim that the writ petitioner had not proved his title and that therefore no direction has been



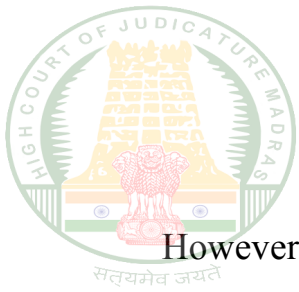
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issued for disbursing the compensation amount to him. This contention is

contested by the learned counsel for the writ petitioner.

4.We need not go into this factual aspect at all. If the writ petitioner felt aggrieved by the award passed by the competent authority, then the remedy open to the writ petitioner was to move the District Collector under Section 3G(5) of the National Highways Act, 1956. Instead of adhering to the statutory procedure, the writ petitioner chose to move the writ Court by filing W.P(MD)No.4117 of 2016. The said writ petition was allowed vide order dated 19.08.2024. The learned single Judge had enhanced the compensation and directed it to be paid to the writ petitioner.

5.We are clearly of the view that the writ itself was not maintainable. When a statute prescribes a certain procedure, that procedure alone ought to be adopted. Once the competent authority passes an award, the remedy is to go before the District Collector under Section 3G(5) of Act. If the District Collector's arbitral award is also not acceptable, then the only remedy is go before the District Court under Section 34 of the Arbitration and Conciliation Act, 1996. Since the Writ Petition itself was not maintainable, the order passed by the learned single Judge is liable to be set aside. It is accordingly set aside.



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However, taking into account the special facts and circumstances of this case,

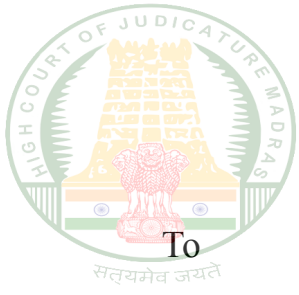
we permit the writ petitioner to avail the remedy under Section 3G(5) of the National Highways Act, 1956. The learned counsel for the writ petitioner states that within a week he will move the District Collector under the aforesaid provision. If the writ petitioner files any such petition, the District Collector, Trichy shall take it on file without reference to limitation. He is also directed to dispose it of on merits and in accordance with law within a period of three months thereafter. We are conscious that normally the District Collector can take one year to dispose of such petitions. Considering the fact that the writ petitioner is aged about 80 years and the cause of action dates back in 2015, such a direction has been given and we call upon the District Collector to adhere to the time limit stipulated by us.

6. Leaving open all the contentions of the parties, this Writ Appeal stands allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [K.R.S., J.]
25.06.2025

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

Note: Issue order copy on 27.06.2025.



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To

WEB CSM

- 1.S.M.A.S.Mohamed Mydeen,
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- 2.The District Collector,
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and

K.RAJASEKAR, J.

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