



W.P.(MD)No.16253 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.01.2025**

CORAM:

THE HONOURABLE **MRS.JUSTICE N.MALA**

W.P.(MD)No.16253 of 2022

Sumathi

... Petitioner

Vs.

1. The District Collector,
Dindigul District, Dindigul

2. The Special Tahsildar,
Land Acquisition,
Natham Thuvarankurichi
National Highway No.785 Extension, Unit-2,
Natham, Dindigul District.

... Respondents

PRAYER :- Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned proceedings in Na.Ka.No. 8168/2021/E2 dated 09.05.2021 passed by the 1st Respondent and quash the same as illegal and consequently direct the Respondents to fix the house site value to the Petitioner 135 square meter of house site in Plot No.2 in Thamilarasi Layout in Survey No.54/12 (New Survey No. 54/12A2) in Chellappa Nayakkanpatti, Natham Sub-Division, Dindigul Revenue Division acquired by them and to pay the compensation applicable for house site.

For Petitioner : Mr.V.Santhakumaresan

For Respondents : Mr.M.Muthumanikkam
Government Advocate



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ORDER

This writ petition is filed for issuance of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings in Na.Ka.No.8168/2021/E2 dated 09.05.2021 passed by the first respondent and quash the same as illegal and for consequential direction to the respondents to fix the house site value to the petitioner's house site in Plot No.18 in Thamilarasi Layout in Survey No.54/12 (New Survey No. 54/12A2) in Chellappa Nayakkanpatti, Natham Sub-Division, Dindigul Revenue Division acquired by them and to pay the compensation applicable for house site.

2. It is seen that as against the order impugned in this writ petition, there is an alternative remedy under Section 34 of the Arbitration Act. The petitioner, without exhausting the alternative remedy, approached this Court.

3. It is pertinent to note here that in a similar situation, one Sujatha filed WP(MD)No.16918 of 2022 and this Court dismissed the said Writ Petition by order dated 29.07.2022, against which, WA(MD)No.987 of



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2022 was filed. The Hon'ble Division Bench, while giving liberty to the appellant to withdraw the Writ Appeal, held thus:

"Learned counsel also seeks indulgence of this Court to exclude the time, this is taken in pursuing the Writ Petition as well as Writ Appeal. Recording the same, the Writ Appeal is dismissed as withdrawn with liberty to the appellant to pursue her remedy by invoking the provisions of Arbitration and Conciliation Act, 1996, Limitation prescribed to set aside the order impugned in the Writ Petition will be considered after excluding the time taken by the petitioner by pursuing the Writ Petition as well as Writ Appeal"

4. Following the aforesaid judgment of the Hon'ble Division Bench, this writ petition is dismissed with liberty to the petitioner to pursue his remedy by invoking the provisions of the Arbitration and Conciliation Act. It is made clear that the time spent in prosecuting the writ petition shall be excluded while considering the petitioner's petition under the Arbitration and Conciliation Act. No costs.

24.01.2025

Index : Yes / No
NCC : Yes / No
CM



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N.MALA, J.

CM

Order made in
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Dated:

24.01.2025