



W.P.(MD)No.16541 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.16541 of 2022

Venkateswaran

... Petitioner

Vs.

1. The Additional Chief Secretary to Government,
Public Works PP2 Department,
Fort St. George, Chennai-9.

2. The Arbitrator/District Collector,
Madurai District, Madurai.

3. The Project Director,
National Highways Authority of India, NHAI,
No.3, Suriya Towers 2nd Floor,
East 1st Street, K.K.Nagar, Madurai-20.

4. The Authorised Officer/
The Special District Revenue Officer (Land Acquisition),
National Highways No.785,
Madurai.

5. The Special Tahsildar (Land Acquisition),
National Highways No.785,
Madurai North, Madurai.

... 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 relating to the impugned order passed by the second



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respondent in A.P.No.12/MNT/Thiruppalai/2021/B3 dated 20.05.2022 and consequently direct the second respondent to enhance the compensation awarded by the fourth respondent based on the valuation report submitted by the petitioner dated 04.05.2019 within the time fixed by this Court.

For Petitioner : Mr.S.Sathesh Kumar
For R1, R2,R4 &R5 : Mr.M.Muthumanikkam
Government Advocate
For R3 : Mr.P.Karthick
SCGSC

ORDER

This writ petition is filed for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the second respondent in A.P.No.12/MNT/Thiruppalai/2021/B3 dated 20.05.2022 and consequently direct the second respondent to enhance the compensation awarded by the fourth respondent based on the valuation report submitted by the petitioner dated 04.05.2019 within the time fixed by this Court.

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.



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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 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



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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

TO:

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N.MALA, J.

CM

Order made in
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Dated:

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