



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

TUESDAY, THE 18TH DAY OF FEBRUARY 2025 / 29TH MAGHA, 1946

WP(C) NO. 22803 OF 2023

PETITIONER:

**KARUNAN T.K
AGED 59 YEARS, S/O. KANNAN, SARASWATHY NILAYAM(H),
NADAPURAM ROAD, MADAPPALLY COLLEGE P.O,
KOZHIKODE DISTRICT, PIN - 673 102.**

**BY ADVS.
SRI. K.B.ARUNKUMAR
SMT. POOJA K.S.**

RESPONDENTS:

- 1 THE DISTRICT COLLECTOR
COLLECTORATE, WAYANAD ROAD, CIVIL STATION P.O,
ERANHIPPALAM, KOZHIKODE DISTRICT, PIN - 673020**
- 2 THE SPECIAL DEPUTY COLLECTOR,
LAND ACQUISITION (NH), COLLECTORATE, WAYANAD ROAD,
CIVIL STATION P.O., ERANHIPPALAM, KOZHIKODE
DISTRICT, PIN -673 020.**
- 3 PROJECT DIRECTOR,
NATIONAL HIGHWAYS AUTHORITY OF INDIA
PROJECT IMPLEMENTATION UNIT, KOZHIKODE, LOTUS (H),
34/1487A, PROVIDENCE WOMENS COLLEGE ROAD,
MALAMPARAMBA P.O, KOZHIKODE DISTRICT, PIN - 673009.**

**BY ADV
SMT. DEEPA NARAYANAN. SR. GOVERNMENT PLEADER.
SRI. LEJO JOSEPH GEORGE, STANDING COUNSEL.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18.02.2025, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**



T.R. RAVI, J.

W.P.(C). No. 22803 of 2023

Dated this the 18th day of February, 2025

JUDGMENT

The grievance of the petitioner is that even after this Court had directed the petitioner to move the Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996, regarding the question whether the Detailed Valuation Method or the Plinth Area Method should be adopted for fixing the compensation, the Arbitrator has closed the file saying that it is the discretion of the CALA. The Arbitrator should have decided the issue on merits.

2. Going by Section 3G(5) of the National Highways Act, 1956, the decision regarding the compensation can be taken by the Arbitrator or the CALA. Hence, it is for the Arbitrator to take a decision and not merely close the matter with an observation that there is a discretion available to the CALA. Fixing of compensation is not a discretion. It is the compensation payable to a person who has lost his property and the same has to be fixed in the manner known to law rather than shifting the responsibility to



some other person.

The writ petition is hence disposed of. Ext.P3 is set aside. There will be a direction to the 1st respondent to reconsider the application filed by the petitioner and decide the same on merits.

Sd/-
T.R. RAVI,
JUDGE

S.M.K.



APPENDIX OF WP(C) 22803/2023

PETITIONER EXHIBITS

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| EXHIBIT P-1 | THE TRUE COPY OF THE PROCEEDINGS IN LAC
NO. 37 VK (ONC) OF THE 2ND RESPONDENT
DATED 02.06.2021 |
| EXHIBIT P-2 | THE TRUE COPY OF THE JUDGMENT DATED
14.06.2022 IN W.P (C) NO.19140/2022 |
| EXHIBIT P-3 | THE TRUE COPY OF THE ORDER DATED
24.01.2023 PASSED BY THE 1ST RESPONDENT |
| EXHIBIT P-4 | THE TRUE COPY OF THE ORDER DATED
06.02.2023 IN CONTEMPT OF COURT(CIVIL)
NO. 124/2023 |