



W.P(MD)No.14088 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2026

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.14088 of 2018

1.C.Muthappa Gounder (died)
2.M.Sakthivel

... Petitioners

(P – 1 died and P – 2 is impleaded as legal heir of the
deceased vide order dated 03.07.2026)

Vs

1.The District Collector cum Sole Arbitrator,
Under the National Highways Authority of India Act,
Dindigul District.

2.The District Revenue Officer,
Dindigul.

3.The Divisional Engineer,
National Highways Division,
19A, Jawagar Street, Madurai – 20.

4.The Project Director,
National Highways No.209, (Bypass),
National Highways Authority of India,
Near Collector Office, Dindigul.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus to quash award passed by the first respondent / Arbitrator in A.P.No.48 of 2015/NH 209, bypass /ODC dated 15.05.2018 as arbitrary, incompetent and suffering from failure to exercise jurisdiction and consequently direct the first respondent to dispose of the arbitration proceedings afresh in accordance with law by providing reasonable opportunity to both parties to lead oral and documentary evidence and by a judicial approach within a stipulated time.

For P – 2 : Mr.S.Ramesh

For Respondents : Mr.M.Mahaboob Athiff (R1 to R3)
counsel for State

: Mr.Su.Srinivasan (R4)

ORDER

Challenging the award dated 15.05.2018 passed by the first respondent/Arbitrator, the petitioners have filed the present Writ Petition seeking to quash the same and consequently direct the first respondent to dispose of the arbitration proceedings afresh in accordance with law.



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2.The learned counsel appearing for the petitioners submitted that the first petitioner is the owner of the land comprised in Survey No.309/1, situated at Oddanchatram Village. The said land was acquired under the provisions of the National Highways Act for the formation of National Highway No.209 Bypass Road. The second respondent passed an award determining the compensation payable for the acquired land. Aggrieved by the quantum of compensation so determined, the first petitioner preferred an appeal before the first respondent/Arbitrator. However, the first respondent did not dispose of the said proceedings within a reasonable time. Therefore, the first petitioner approached this Court by filing W.P(MD)No.19204 of 2017. This Court, by order dated 13.10.2017, disposed of the said writ petition with a direction to the first respondent to pass an award within a period of three months, after affording an opportunity of hearing to the first petitioner. Pursuant to the said direction, the first respondent passed the impugned award dated 15.05.2018. Aggrieved by the quantum of compensation determined under the impugned award, the present Writ Petition has been filed.



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3.Per contra, the learned Senior Standing Counsel appearing for the fourth respondent/National Highways submitted that, challenging the very same award passed by the first respondent/District Collector-cum-Sole Arbitrator, the first petitioner had already filed Arbitration O.P.No.103 of 2018 before the Principal District Court, Dindigul, under Section 34 of the Arbitration and Conciliation Act, 1996, and the said proceedings are still pending. While the said Arbitration Original Petition is pending, the petitioners have also filed the present Writ Petition challenging the very same award. Therefore, the present Writ Petition is not maintainable, since the petitioners are simultaneously pursuing parallel remedies.

4.This Court has carefully considered the submissions made on either side and perused the materials available on record.

5.It is not in dispute that the petitioners have already challenged the impugned award dated 15.05.2018 by filing Arbitration O.P.No.103 of 2018 before the Principal District Court, Dindigul, and the same is pending



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adjudication. Having invoked the statutory remedy available under the Arbitration and Conciliation Act, 1996, the petitioners cannot simultaneously maintain the present Writ Petition challenging the very same award. It is a settled principle of law that parallel proceedings in respect of the same cause of action cannot be permitted.

6.In view of the above, this Writ Petition is dismissed. However, liberty is granted to the second petitioner, being the legal heir of the deceased first petitioner, to raise all the grounds and contentions available to him before the Principal District Court, Dindigul, in Arbitration O.P. No.103 of 2018, which is pending adjudication, and the said Court shall consider the same on their own merits and in accordance with law, without being influenced by any of the observations made in this order. There shall be no order as to costs.

02.07.2026
(1/2)

NCC : Yes / No
Index : Yes / No
ps



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M.DHANDAPANI, J.

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