

IN THE HIGH COURT OF JUDICATURE AT MADRAS

[ORDERS RESERVED ON : 29.10.2020]

[ORDERS PRONOUNCED ON : 07.12.2020]

CORAM:

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

**C.R.P. [PD] Nos.1388, 1389, 1390 & 1391 of 2020**

**and**

**C.M.P.Nos.8093, 8094, 8096 & 8099 of 2020**

R.Srinivasan ... Petitioner in all C.R.Ps.

.. Vs ..

1. The District Collector/Arbitrator,  
Villupuram District, Tamil Nadu.
  2. The Competent Authority (L.A.),  
NH-45, Tindivanam Bye Pass,  
Villupuram Collectorate,  
Villupuram District, Tamil Nadu.
  3. National Highways Authority of India,  
Rep. by its Project Director,  
In charge of NH 45  
Tindivanam, Villupuram District,  
Tamil Nadu.
- ... Respondents in all C.R.Ps.

**Prayer in C.R.P.No.1388/2020:-** Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree in I.A.No.945 of 2019 in Arb.O.P.No.13 of 2017, dated 10.02.2020 on the file of the Principal District Judge at Villupuram.

**Prayer in C.R.P.No.1389/2020:-** Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree in I.A.No.924 of 2019 in Arb.O.P.No.186 of 2018, dated 10.02.2020 on the file of the Principal District Judge at Villupuram.

**Prayer in C.R.P.No.1390/2020:-** Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree in I.A.No.946 of 2019 in Arb.O.P.No.51 of 2016, dated 10.02.2020 on the file of the Principal District Judge at Villupuram.

**Prayer in C.R.P.No.1391/2020:-** Civil Revision Petition filed under Article 227 of the Constitution of India, against the judgment and decree in I.A.No.927 of 2019 in Arb.O.P.No.168 of 2013, dated 10.02.2020 on the file of the Principal District Judge at Villupuram.

**In all C.R.Ps.**

For Petitioner : Mr.David Tyagaraj  
For RR-1 and 2 : Mr.S.Jaganathan,  
Government Advocate  
For R-3 : M/s.S.R.Sumathy  
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**COMMON ORDER**

Since the issue involved in all the four Civil Revision Petitions is one and the same, they are taken up for disposal by a common order.

2. The lands belonged to the petitioner in all the four civil revision petitions were acquired by the National Highways Authority of India, the third respondent herein and the third respondent has paid compensation to the revision petitioner and award has been enhanced by the District Collector, the first respondent herein. Invoking the Arbitration Act, the revision petitioner has filed Arb.O.P.Nos.13 of 2017, 186 of 2018, 51 of 2016 and 168 of 2013 before the learned Principal District Judge, Villupuram.

3. Pending the above Arb.O.Ps., the revision petitioner, who is the land owner in all the four cases, had filed four Interlocutory Applications under Section 34(2) of the Arbitration and Reconciliation Act, 1996 r/w. Order 26 Rule 9 of CPC, viz., (1) I.A.No.945 of 2019 praying to appoint an Advocate Commissioner to inspect the land which is situated in S.No.11/1B2, at Kidangal Village, Tindivanam Town, Villupuram District measuring to an extent of 270 square meters or 2906 sq. fts and assess the potential value; (2) I.A.No.924 of 2019 praying to appoint an Advocate Commissioner to inspect the land which is situated in S.No.11/1B1B, at Kidangal Village, Tindivanam Town, Villupuram

District, measuring to an extent of 285 square meters i.e., 3067.71 sq. fts and assess the potential value; (3) I.A.No.946 of 2019 praying to appoint an Advocate Commissioner to inspect the land which is situated in S.No.11/2B2, at Kidangal Village, Tindivanam Town, Villupuram District measuring to an extent of 00483 square meters i.e., 5199 sq. fts. and assess the potential value and (4) I.A.No.927 of 2019 praying to appoint an Advocate Commissioner to inspect the land which is situated in S.No.11/1 and 11/2 in Ward "F" Block - 19 at Kidangal Village, Tindivanam Town, Villupuram District, measuring to an extent of 121578 sq. ft. or 2.79 acres and assess the potential value. The lands mentioned in the first three I.As. were acquired for the purpose of expansion of National Highways 66 (Pondy-Tindivanam four lane) and award was passed by the second respondent in N.K.No.441/2007 N.H.66/DINDI, dated 18.12.2009. The land mentioned in I.A.No.927 of 2019 was acquired for the purpose of formation of bye pass road at NH 45, Tindivanam, Villupuram and Trichy and award was passed by the second respondent in N.K.A.No.020/2003/N.H.45/DINDI, dated 18.03.2006.

4. The grievance of the petitioner erstwhile land owner is that the second respondent, while considering the potential value of the lands mentioned in I.A.Nos.945 and 946 of 2019, which have been acquired for the purpose of laying and expanding the said Highways, the Authority have arbitrary and illegally fixed at Rs.192/- per sq. ft., thereby, the second respondent has failed to consider the potential value of the revision petitioner's lands. Likewise, the first respondent has enhanced the compensation from Rs.192/- per sq. ft. to Rs.249.60/- sq. ft. which is very meagre and the first respondent has only partially enhanced the compensation from the order passed by the second respondent though the petitioner's lands so acquired for the said project has been put to use for commercial purpose and the said lands are approved by the Director of Country Town and Planning vide his letter ref.Nk.No.475/2005, dated 17.03.2003.

5. It is further alleged by the petitioner that the second respondent, while considering the potential value of the lands mentioned in I.A.Nos.924 and 927 of 2019, the Authority have arbitrary and illegally fixed at Rs.30/- per sq. ft. and Rs.112/- per sq. ft. respectively,

thereby, the second respondent has failed to consider the potential value of the revision petitioner's lands. Likewise, the first respondent has confirmed the order passed by the second respondent though the petitioner's lands so acquired for the said project has been put to use for commercial purpose and the said lands are approved by the Director of Country Town and Planning vide his letter ref.Nk.No.475/2005, dated 17.03.2003.

6. It is further pleaded by the petitioner that the National Highways Act, 1956 as amended and amended Act 1997, Section 3G(6) deals with the provision of Arbitration and Conciliation Act, 1996. Under the Arbitration Act, the Court has to decide the issue with regard to the enhanced compensation of lands so acquired for laying or expanding National Highways and the second respondent is deputed to acquire the lands and is empowered either to enhance the land value or fix the value of the lands in accordance with Section 3G(7)(a)(b)(c)(d) of the National Highways Act, 1956 as amended and the petitioner, aggrieved with the meager compensation paid by the second respondent, preferred an arbitration proceedings before the first respondent.

7. As the compensation given by the first and second respondents is meagre, the above Arbitration Original petitions were filed before the learned Principal District Judge, Villupuram and pending the said Arbitration Original Petitions, the above said four Interlocutory Applications have been filed for appointment of an Advocate Commissioner to inspect the respective survey numbers in the respective cases in the Kidangal Village, Tindivanam Town, Villupuram District, and to assess the potential value.

8. The respondents have filed counter. After hearing both sides, by an order dated 10.02.2020, the learned Principal District Judge, Villupuram, has dismissed all the four I.A.Nos.945, 924, 946, and 927 of 2019 and as against the same, the above four Civil Revision Petitions have been preferred by the land owner.

9. Heard Mr.David Tyagaraj, learned counsel for the petitioner and Mr.S.Jaganathan, learned Government Advocate appearing for the respondents 1 and 2 and M/s.S.R.Sumathy, learned counsel appearing for the third respondent and perused the records.

10. Admittedly, acquisition has been made on behalf of the National Highways Authority of India in Villupuram District and for enhancement of compensation for the lands acquired by the third respondent-National Highways Authority of India, District Collector was appointed as an arbitrator.

11. Having not satisfied with the arbitration award, the above Arb.O.P.Nos.13 of 2017, 186 of 2018, 51 of 2016, 168 of 2013 have been filed by the revision petitioner herein before the learned Principal District Judge, Villupuram. Pending the said Arb.O.Ps., the revision petitioner/landlord has filed Interlocutory Applications for appointment of an advocate commissioner for local inspection of the property and for ascertaining the potential value of the lands.

12. Learned counsel for the revision petitioner/landlord would contend that the lands acquired by the third respondent are now developed to a larger extent and on both sides of the National Highway, various Hotels, Malls and shopping complex have come up and

therefore, assessment of potential value of the lands acquired from the revision petitioner is necessary for arriving at a just and reasonable compensation.

13. This Court is unable to accept and affix the seal of approval for the said contention of the revision petitioner for more than one reason. The revision petitioner/landlord is entitled for compensation, for the lands acquired by the third respondent for the public purpose on the date of acquisition. On the date of the acquisition, what is the fair and just value for the lands is the criteria for the acquisition. Now, the so called potential value which is projected by the revision petitioner is only due to the act of the third respondent in acquiring the lands and laying the National Highway Road on the acquired land. Thereafter, subsequent events viz., a commercial set up might have come up on both sides of the National Highways road. After acquisition of the lands by the third respondent and after formation of National Highways Road on the lands so acquired by the third respondent, all the improvements are made or come up along the road due to the formation and laying of road by the third respondent after acquisition. The present potential value as

projected by the revision petitioner is only an outcome of the said acquisition and subsequent developments have taken place due to the laying of the road by the third respondent and not a potential value on the date of the acquisition of the revision petitioner's lands. The development so happened on the side of the National Highways Road is due to the passage of time after laying of the road by the third respondent after acquisition of the lands from the revision petitioner by the third respondent. In respect of the potential value, a reasonable time for expansion is put to use of the acquired lands is the criteria.

14. However, in the instant case, land acquisition is of the year 2007 and Notification was issued in the year 2007. Sale statistics based upon the Sale Deed is of the year 2007 and the same was taken into consideration and valuation was fixed on 18.02.2009 and compensation was arrived at and the Arbitrator has passed the award in the year 2006 and 2009 respectively and the Arb.O.Ps. are pending from the year 2017, 2018, 2016 and 2013 respectively onwards. The present potential value as projected by the revision petitioner/landlord will be the present market rate or reflection of the present status which is highly telescopic view to

accept the revision petitioner's claim. The relevant date for the potential value could be the date of acquisition or passing of the award as the case may be and hence, this Court finds that the potential value can be fixed on the basis of market value under the Sale Deeds of the adjacent lands, when the award was passed at the relevant point of time only not with regard to present time which is more than 10 to 15 years after acquisition and hence, the order of dismissal passed by the learned Principal District Judge, Villupuram, does not suffer from any irregularity or illegality warranting interference by this Court.

15. In this view of the matter, all the four Civil Revision Petitions are dismissed with cost of Rs.1,000/- in each case. Consequently, the connected miscellaneous petitions are also dismissed.

**07.12.2020**

Internet :Yes  
Index : Yes/No  
Jrl

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**RMT.TEEKAA RAMAN, J.**

Jrl

To

The Principal District Judge,  
Villupuram.



**Order made in**

**C.R.P. [PD] Nos.1388, 1389,  
1390 & 1391 of 2020**

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**07.12.2020**