



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM :

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.4422 to 4426, 4447 to 4452, 4470 to 4476,
851 to 857, 1049 to 1056 of 2016 and
W.P.Nos.1372 to 1374 of 2017

W.P.No.4422 of 2016:-

1.S.TAMILMANI	... PETITIONER in WP No.4422 of 2016
2.N.SAROJA	... PETITIONER in WP No.4423 of 2016
3.K.CHINNAPAPPA	... PETITIONER in WP No.4424 of 2016
4.K.ANNAPOORANI	... PETITIONER in WP No.4425 of 2016
5.E.SANKAR	... PETITIONER in WP No.4426 of 2016
6.J.GUBENDRAN	... PETITIONER in WP No.4447 of 2016
7.P.SUBRAMANI	... PETITIONER in WP No.4448 of 2016
8.K.POONGODI	... PETITIONER in WP No.4449 of 2016
9.P.KUPPUSAMY	... PETITIONER in WP No.4450 of 2016
10.R.VEERAPPAN	... PETITIONER in WP No.4451 of 2016
11.J.JAYA	... PETITIONER in WP No.4452 of 2016
12.E.KUMAR	... PETITIONER in WP No.4470 of 2016
13.S.GOPAL	... PETITIONER in WP No.4471 of 2016
14.S.ANNAMALAI	... PETITIONER in WP No.4472 of 2016
15.P.MUTHUKUMAR	... PETITIONER in WP No.4473 of 2016
16.G.KANAGARAJAN	... PETITIONER in WP No.4474 of 2016
17.S.SUNDARARAJAN	... PETITIONER in WP No.4475 of 2016
18.T.KANDASAMY	... PETITIONER in WP No.4476 of 2016
19.K.GOPAL	... PETITIONER in WP No.851 of 2016
20.C.SELVARAJ	... PETITIONER in WP No.852 of 2016
21.V.SELVI	... PETITIONER in WP No.853 of 2016
22.N.PERIYASAMY	... PETITIONER in WP No.854 of 2016
23.M.RAMASAMY	... PETITIONER in WP No.855 of 2016
24.P.ARULMURUGAN	... PETITIONER in WP No.856 of 2016
25.K.S.RAMASAMY	... PETITIONER in WP No.857 of 2016
26.R.MADESWARAN	... PETITIONER in WP No.1049 of 2016
27.S.P.SUBRAMANI	... PETITIONER in WP No.1050 of 2016
28.P.MATHESWARAN	... PETITIONER in WP No.1051 of 2016
29.R.JANAKI	... PETITIONER in WP No.1052 of 2016
30.S.KRISHNAN	... PETITIONER in WP No.1053 of 2016
31.R.CHANDRASEKAR	... PETITIONER in WP No.1054 of 2016
32.G.GANESAN	... PETITIONER in WP No.1055 of 2016
33.A.CHANDRA	... PETITIONER in WP No.1056 of 2016
34.S.RAMAMOORTHY	... PETITIONER in WP No.1372 of 2017



35.K.N.RAJASEKAR

36.P.ARTHANARI

... PETITIONER in WP No.1373 of 2017

... PETITIONER in WP No.1374 of 2017

-Vs-

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1. The Secretary to Government,
Ministry of Surface Transport and
Highways Department,
Government of India,
New Delhi - 110 001.
2. The Chairman
National Highways Authority of India,
New Delhi.
3. The District Collector/Arbitrator,
Salem District, Salem.

... Respondents in all 36 WP's

Prayer in WP 4422 of 2016 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the record of the third respondent in his proceedings தே.நெ.எண்.68 ஆ.வ.எண்.329/பி2 dated 28.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.247/17A2B, T.S.No.22 Ammapet, Salem District and for the demolition of the building therein for the upgradation and widening of the then existing two lane to four lane divided carriageway configuration of Salem - Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.4423 of 2016 : To call for the record of the third respondent in his proceedings They.Ney.No.68 Aa.Va.No.773/Pi2 dated 28.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the entire land acquired in Survey No.77/13, Jari Kothampadi, Athoor Taluk, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem - Ulundurpet section of National Highways etc.

Prayer in WP No.4424 of 2016 : To call for the record of the third respondent in his proceedings They.Ney. No.68 Aa.Va.No.797/Pi2 dated 28.03.2015, quash the same and to direct



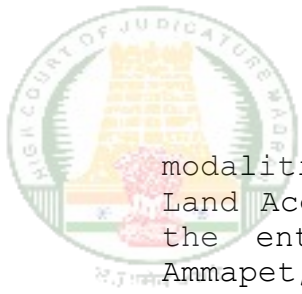
the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in Survey No.294/3A, 295/2C2, T.S.NO.4/2, 4/2A in Ammapet, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem - Ulundurpet section of National Highways NH-68 in the state of Tamil Nadu

Prayer in WP No.4425 of 2016 : To call for the record of the third respondent in his proceedings They.Ney.No.68 Aa.Va.No.810/Pi2 dated 28.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in Survey No.247/17A, T.S.NO. 20 Ammapet, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem - Ulundurpet section of National Highways NH-68 in the state of Tamil Nadu.

Prayer in WP No.4426 of 2016 : To call for the record of the third respondent in his proceedings They.Ney. No.68 Aa.Va.No.825/Pi2 dated 28.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the entire land acquired in Survey No. T.S.NO. 6/2, Ammapet, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem - Ulundurpet section of National Highways NH-68 in the state of Tamil Nadu.

Prayer in WP No.4447 of 2016 : To call for the record of the third respondent in his proceedings They.Ney.No.68 Aa.Va.No.809/Pi2 dated 28.02.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in Survey No.247/17A, T.S.No.29/2, Ammapet, Salem District and for the removing of valuable trees thereon for the upgradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet section of National Highways NH-68 in the State of Tamilnadu

Prayer in WP No.4448 of 2016 : To Call for the records of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.826/B2 dated 28.03.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at Par with the



modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the entire land acquired in survey No.228/4A, T.S. No.6/2, Ammapet, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet section of National Highways NH-68 in the state of Tamil Nadu.

Prayer in WP No.4449 of 2016 : To Call for the records of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.827/B2 dated 28.03.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at Par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the entire land acquired in survey No.247/20C1, T.S. No. 87,90,91 Ammapet, Salem District for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet section of National Highways NH-68 in the State of Tamil nadu.

Prayer in WP No.4450 of 2016 : To Call for the records of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.828/B2 dated 28.03.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at Par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the entire land acquired in survey No.T.S.No.6/2, Ammapet, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet section of National Highways NH-68 in the State of Tamil nadu.

Prayer in WP No.4451 of 2016 : To Call for the records of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.828/B2 dated 28.03.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at Par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the entire land acquired in survey No.257/9A9, T.S. No.34/2, Ammapet, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet section of National Highways NH-68 in the State of Tamil nadu.



Prayer in WP No.4452 of 2016 : To Call for the records of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.830/B2 dated 28.03.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at Par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the entire land acquired in survey No.247/17A2B, T.S. No.20, Ammapet, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet section of National Highways NH-68 in the State of Tamil nadu.

Prayer in WP No.4470 of 2016 : To call for the records of the third respondent in his proceedings Aa.Va.No.801/B2 The.Ne.No.68 dated 20.4.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the entire land acquired in Survey No.322/1A, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamil nadu.

Prayer in WP No.4471 of 2016 : To call for the records of the third respondent in his proceedings Aa.Va.No.814/B2 The.Ne.No.68 dated 20.4.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in Survey No.76/8A, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamil Nadu.

Prayer in WP No.4472 of 2016 : To call for the records of the third respondent in his proceedings Aa.Va.No.816/B2 The.Ne.No.68 dated 20.4.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in Survey No.30/1M2, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of TamilNadu.



Prayer in WP No.4473 of 2016 : To call for the records of the third respondent in his proceedings Aa.Va.No.832/B2 The.Ne.No.68 dated 20.4.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in Survey No.300/2A3B1&B3, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of TamilNadu.

Prayer in WP No.4474 of 2016 : To call for the records of the third respondent in his proceedings Aa.Va.No.818/B2 The.Ne.No.68 dated 20.4.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in Survey No.76/8A2, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of TamilNadu.

Prayer in WP No.4475 of 2016 : To call for the records of the third respondent in his proceedings Aa.Va.No.819/B2 The.Ne.No.68 dated 20.4.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the entire land acquired in Survey No.290 2C2, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamil nadu.

Prayer in WP No.4476 of 2016 : To call for the records of the third respondent in his proceedings Aa.Va.No.831/B2 The.Ne.No.68 dated 20.4.2015 quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in Survey No.206/6A2, Erumapalayam, Salem District and for the demolition of the temple building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of TamilNadu.

Prayer in WP No.851 of 2016 : To call for the record of the third respondent in his proceedings The.Ne.No.68



Aa.Va.No.707/Pi2 dated 26.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.247/20A, T.S.No.9 of Ammapet, Salem District and for the demolition of the building thereon for the upgradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.852 of 2016 : To call for the record of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.334/Pi2 dated 26.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.247/17-A2B, T.S.No.16, Ammapet, Salem District for the upgradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.853 of 2016 : To call for the record of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.811/Pi2 dated 26.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.247/17A 2B, T.S.No.26, Ammapet, Salem District and for the demolition of the building thereon for the upgradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.854 of 2016 : To call for the record of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.813/Pi2 dated 26.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.247/17A 2B, T.S.No.46, Ammapet, Salem District and for the demolition of the building thereon for the upgradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.855 of 2016 : To call for the record of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.735/Pi2 dated 26.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.247/17A2B, T.S.No.45, Ammapet, Salem District and for the demolition of the building thereon for the upgradation and widening of the then existing Two Lane to Four Lane divided



carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.856 of 2016 : To call for the record of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.823/Pi2 dated 26.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.43/2, Ammapet, Salem District and for the demolition of the building thereon for the upgradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.857 of 2016 : To call for the record of the third respondent in his proceedings The.Ne.No.68 Aa.Va.No.822/Pi2 dated 26.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.247/17A,17A2, T.S.No.24, Ammapet, Salem District and for the demolition of the building thereon for the upgradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.1049 of 2016 : To call for the record of the third respondent in his proceedings Aa.Va. No.342/Pi2 The. Ney. No.68 dated 20.04.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.77/1Q, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.1050 of 2016 : To call for the record of the third respondent in his proceedings Aa.Va. No.362/Pi2 The. Ney. No.68 dated 20.04.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.77/1R, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu

Prayer in WP No.1051 of 2016 : To call for the record of the third respondent in his proceedings Aa.Va. No.500/Pi2 The. Ney.



No.68 dated 20.04.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.30/3A, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.1052 of 2016 : To call for the record of the third respondent in his proceedings Aa.Va. No.706/Pi2 The. Ney. No.68 dated 20.04.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.290/2C2, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.1053 of 2016 : to call for the record of the third respondent in his proceedings Aa.Va. No.790/Pi2 The. Ney. No.68 dated 20.04.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.77, Erumapalayam, Salem District and for the demolition of the building thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.1054 of 2016 : To call for the record of the third respondent in his proceedings Aa.Va. No.791/Pi2 The. Ney. No.68 dated 20.04.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.218/1D, Erumapalayam, Salem District for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.1055 of 2016 : to call for the record of the third respondent in his proceedings Aa.Va. No.792/Pi2 The. Ney. No.68 dated 20.04.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.218/1D, Erumapalayam, Salem District for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of



National Highways NH-68 in the State of Tamilnadu

Prayer in WP No.1056 of 2016 : to call for the record of the third respondent in his proceedings Aa.Va. No.802/Pi2 The. Ney. No.68 dated 20.04.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey No.292 1A, 2A1, 2C, Erumapalayam, Salem District and for the demolition of the motor water service station thereon for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem-Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu

Prayer in WP No.1372 of 2017 : To call for the record of the third respondent in his proceedings The.Ne.No.68, Aa.Va.No.824/Pi2, dated 26.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey no.266/3, T.S.No.2/1, Ammapet, Salem District for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem- Ulundurpet section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.1373 of 2017 : To call for the record of the third respondent in his proceedings The.Ne.No.68, Aa.Va.No.821/Pi2, dated 26.03.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation for the entire land acquired in survey no.266/3, T.S.No.2/1, Ammapet, Salem District for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem- Ulundurpet section of National Highways NH-68 in the State of Tamilnadu.

Prayer in WP No.1374 of 2017 : To call for the record of the third respondent in his proceedings Aa.Va.No.820/Pi2, The.Ne.No.68, dated 20.04.2015, quash the same and to direct the respondents herein to pay to the petitioner fair, reasonable and equitable compensation under the National Highways Act at par with the modalities under Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, for the entire land acquired in survey No.29/1A2, Erumapalayam, Salem District for the up-gradation and widening of the then existing Two Lane to Four Lane divided carriageway configuration of Salem- Ulundurpet section of National Highways NH-68 in the State of Tamilnadu.



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For Petitioner : Mr.G.Purushothaman

For Respondents

For R1 & R3 : Mr.Richardson Wilson
Government Advocate.

For R2 : Ms.JP.Dhanyasree
M/s.P.Wilson Associates

COMMON ORDER

All the Writ Petitions have been filed challenging the Arbitration award passed by the third respondent and to direct the respondents herein to pay the fair, reasonable and equitable compensation to the petitioner for the entire land acquired in Salem District and for the demolition of the building therein for the upgradation and widening of the then existing two lane to four lane divided carriageway configuration of Salem - Ulundurpet Section of National Highways NH-68 in the State of Tamilnadu.

2. Heard Mr.G.Purushotaman, learned counsel appearing for the petitioners, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents 1 & 3 and Ms.JP.Dhanyasree, learned counsel appearing for the second respondent in all Writ Petitions.

3. All the Writ Petitions have been filed challenging the Arbitration Award on various grounds. As against the Arbitration Award, the Writ Petition is not maintainable, since there is specific provisions under Section 34 of the Arbitration Act that the Principal District Court is having jurisdiction over the place of land to set aside the Arbitration Award. It is relevant to extract Section 34 of the Arbitration Act as follows :-

"34 Application for setting aside arbitral award. -

(1) Recourse to a Court against an arbitral award may be made only by an application for setting aside such award in accordance with sub-section (2) and sub-section (3).

(2) An arbitral award may be set aside by the Court only if-

(a) the party making the application furnishes proof that-

(i) a party was under some



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incapacity, or

(ii) the arbitration agreement is not valid under the law to which the parties have subjected it or, failing any indication thereon, under the law for the time being in force; or

(iii) the party making the application was not given proper notice of the appointment of an arbitrator or of the arbitral proceedings or was otherwise unable to present his case; or

(iv) the arbitral award deals with a dispute not contemplated by or not falling within the terms of the submission to arbitration, or it contains decisions on matters beyond the scope of the submission to arbitration:

Provided that, if the decisions on matters submitted to arbitration can be separated from those not so submitted, only that part of the arbitral award which contains decisions on matters not submitted to arbitration may be set aside; or

(v) the composition of the arbitral tribunal or the arbitral procedure was not in accordance with the agreement of the parties, unless such agreement was in conflict with a provision of this Part from which the parties cannot derogate, or, failing such agreement, was not in accordance with this Part; or

(b) the Court finds that—

(i) the subject-matter of the dispute is not capable of settlement by arbitration under the law for the time being in force, or

(ii) the arbitral award is in conflict with the public policy of India.
Explanation. —Without prejudice to the generality of sub-clause (ii) it is hereby declared, for the avoidance of any doubt, that an award is in conflict with the public policy of India if the making of the award was induced or affected by fraud or corruption or was in violation of section 75 or section 81.



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(3) An application for setting aside may not be made after three months have elapsed from the date on which the party making that application had received the arbitral award or, if a request had been made under section 33, from the date on which that request had been disposed of by the arbitral tribunal: Provided that if the Court is satisfied that the applicant was prevented by sufficient cause from making the application within the said period of three months it may entertain the application within a further period of thirty days, but not thereafter.

(4) On receipt of an application under sub-section (1), the Court may, where it is appropriate and it is so requested by a party, adjourn the proceedings for a period of time determined by it in order to give the arbitral tribunal an opportunity to resume the arbitral proceedings or to take such other action as in the opinion of arbitral tribunal will eliminate the grounds for setting aside the arbitral award."

Therefore, all the Writ Petitions are not maintainable and liable to be dismissed.

4. At that juncture, the learned counsel appearing for the petitioners in all the Writ Petitions submitted that the petitioners have not received any compensation as per the impugned award.

5. Considering the said representation, the competent authority is directed to deposit the award amount forthwith, if not already deposited. On such deposit, the petitioners are permitted to withdraw the same without prejudice to their right to set aside the Arbitration Award passed by the third respondent. The petitioners are also at liberty to challenge the impugned Arbitration Award passed by the third respondent before the competent Court within a period of two weeks from the date of the receipt of a copy of this Order. The period of pendency of these Writ Petitions may be excluded while calculating the limitation.



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6. With the above directions, all the Writ Petitions are dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary to Government,
Ministry of Surface Transport and
Highways Department,
Government of India,
New Delhi - 110 001.
2. The Chairman
National Highways Authority of India,
New Delhi.
3. The District Collector/Arbitrator,
Salem District, Salem.

+18CCs to M/s.P.Wilson Associates, Sr.Nos.41802,41808, 41814,
41801, 41815, 41807, 41803, 41804, 41800, 41811, 41810, 41812,
41805, 41806, 41813, 41817, 41816, 41799

+1CC to M/s.G.Purushothaman, Advocate, Sr.No.42005

+1CC to Mr.Government Pleader, Sr.No.41769

W.P.Nos.4422 to 4426, 4447 to 4452,
4470 to 4476, 851 to 857, 1049 to 1056 of 2016
and W.P.Nos.1372 to 1374 of 2017

SVI (CO)

K.RK. (07.10.2021)