



C.M.A.No.2285, 2286, 2295, 2359, 2360 & 2361 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2023

CORAM

THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN

C.M.A.Nos.2285, 2286, 2295, 2359, 2360 & 2361 of 2016

C.M.A.No.2285 of 2016

Basuvaraj

... Appellant

Versus

1.The District Collector-cum-Arbitrator
(LA-NH7), Dharmapuri – 636 705

2.The Competent Authority-cum-
Special District Revenue Officer (LA-NH7)
Dharmapuri – 636 705

3.The Special Tahsildar
(Land Acquisition)
National Highways (LA-NH7)
Dharmapuri – 636 705

4.The Project Director
National Highways Authority of India
Door No.212-3/D3-1, Srinagar Colony
Narasothipatti, Salem – 630 004
(R4 impleaded vide Common Order dated 05.04.2023
made in CMP.Nos.17033, 17037, 17039 & 19490 of 2021
in CMA.Nos.2295, 2361, 2285 & 2286 of 2016 by AANJ)

... Respondents

Prayer in CMA.No.2285 of 2016: Appeal filed under Section 37 (1) & (2) of



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the Arbitration and Conciliation Act 1996 against Judgment and Decree dated 18.04.2016 passed in Arbitration O.P.No.15 of 2013 on the file of the Principal District Judge, Dharmapuri.

In all CMAs

For Appellants : Mr.V.R.Annagandhi

For Respondents

For R1 to R3 : Mr.C.Jayaprakash
Government Advocate (Civil Suit)

For R4 : Mrs.S.R.Sumathy

COMMON JUDGMENT

These Civil Miscellaneous Appeals arises against the Orders passed by the learned Principal District Judge, Dharmapuri on 18.04.2016 in Arbitration O.P.Nos.15, 1, 14, 16, 2 & 18 of 2013 respectively. Since, the issue involved herein are one and the same, these Civil Miscellaneous Appeals are heard together and disposed of by way of this Common Judgment.

2. It is the case of the appellants that National Highways Authority of India initiated action to acquire the lands in the appellants Village of Palacode Taluk, Dharmapuri District for formation of four lanning of NH-7 between Krishnagiri to Thoppur Ghat Section through District Revenue Officer (LA)



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NH-7 as per National Highways Act, 1956. The notification under Section 3A(1) of the Act were published in the newspaper and following requisites procedure under the Act, awards were passed on respective dates. Aggrieved against the quantum of award, the appellants preferred the Arbitration Petitions before the first respondent/District Collector for enhancement of determination of the value of the land which were subsequently dismissed on respective dates. As against the Orders/proceedings of the first respondent, the appellants filed the impugned appeals before the Principal District Judge, Dharmapuri seeking for setting aside the order of the first respondent/Arbitrator. The learned Principal District Judge, Dharmapuri, after hearing both sides, dismissed the their appeals on 18.04.2016. As against them, the present appeals are filed before this Court.

3. The learned counsel for the appellants submitted that the value fixed as compensation for the appellants' lands are very meagre and the respondents have not taken into consideration of the aspect that there are fruit trees in their lands. Further, the respondents have not furnished any data for fixing compensation to the appellants, as the compensation fixed for their lands were not of the market value. It was his foremost contention that the appellants were



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not afforded with sufficient opportunity to let in their evidence for substantiating their claim for enhancement of compensation. Hence, seeks to allow these civil miscellaneous appeals.

4. The learned counsel for the fourth respondent filed counter on behalf of the fourth respondent and submitted that the appellants lands are dry lands and the same were fixed according to market value of the dry lands which aspect were rightly examined and concluded by the learned Principal District Judge, Dharmapuri. Further, the Agricultural Department has properly assessed the trees, based on which, the compensation were also fixed. Hence, the appellants contentions ought to be dismissed as untenable claim.

5. Heard the learned counsel for the appellants, learned Government Advocate (Civil Suit) and Mrs.S.R.Sumathy, learned counsel for the fourth respondent and perused the materials available on record.

6. Admittedly, the facts of the present appeals are not disputed. During the hearing, the learned counsel for both sides, in unison, submitted that the matters may be remanded back to the first respondent for fresh consideration as



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per the Judgment of the Hon'ble Supreme Court in the case of *The Project Director, National Highways Authority of India Vs. M.Hakeem & another* in *Civil Appeal Nos.2797 of 2021 etc., batch cases* dated 20.07.2021.

7. In view of the above, this Court is of the view that it would be appropriate to remand the matters back to the first respondent for a *de novo* consideration.

8. Accordingly, the Order and Decree passed by the Principal District Judge, Dharmapuri on 18.04.2016 in Arbitration O.P.Nos.15, 1, 14, 16, 2 & 18 of 2013 are set aside and the matters are remanded back to the first respondent for a *de novo* consideration. The first respondent/Arbitrator is directed to pass appropriate order(s) on merits and in accordance with law after providing opportunity of hearing to the appellants as per the Judgment passed by the Hon'ble Supreme Court in the case of *The Project Director, National Highways Authority of India Vs. M.Hakeem & another* in *Civil Appeal Nos.2797 of 2021 etc., batch cases* dated 20.07.2021.



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9. Accordingly, these Civil Miscellaneous Appeals are disposed of. No costs.

23.06.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

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To

1.The Presiding Officer,
Principal District Judge
Dharmapuri.

2.The District Collector-cum-Arbitrator
(LA-NH7), Dharmapuri – 636 705

3.The Competent Authority-cum-
Special District Revenue Officer (LA-NH7)
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