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C.R.P.(PD).No.462 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM:

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

C.R.P.(PD).No.462 of 2023

C.Nallasamy (Died)

1.N.Saroja

2.Vimala

... Petitioners

VS

1.The Project Director,
National Highway Authority of India,
Project Implementation Unit (NS),
D.No.212-3/D3-1, Sri Nagar Colony,
Narasothipatti,
Salem – 636 004.

2.The Competent Authority and
The District Revenue Officer,
Erode District,
Erode.

3.Arbitrator,
District Collector,
Erode District.

4.N.Jayaprakash

... Respondents



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Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Docket Order in CFR No.6637 of 2017 in Unnumbered A.O.P.No. of 2017 on the file of the Principal District Court, Erode, dated 29.06.2018.

For Petitioners : Mr.C.Ramaraj

For R1 : Mr.Su.Srinivasan

For R2 and R3 : Mr.T.Arunkumar
Additional Government Pleader

ORDER

This Civil Revision Petition challenges the order passed by the learned Principal District Judge, Erode in CFR No.6637 of 2017 in unnumbered A.O.P.No. of 2017, dated 29.06.2018.

2. A.O.P.No. of 2017 has been filed challenging the award of the Arbitrator namely District Collector, Erode District for the lands acquired in Nasiyanur Village, Erode Taluk and District.

3. A look at the prayer in A.O.P.No. of 2017 shows that the civil revision petitioners wanted to enhance the compensation awarded by the



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Arbitral Tribunal to the tune of Rs.4,000/- per sq.ft. Thereafter, the case papers had been returned by the Principal District Judge, Erode on several occasions. It is now settled by the judgment of the Supreme Court that the Power under Section 34 of the Arbitration and Conciliation Act, 1996 is only available to set aside the award and there is no power in the Court under Section 34 of the Arbitration and Conciliation Act, 1996 to enhance the compensation or substitute its reasons for the award.

4. When this factum was pointed to Mr.C.Ramaraj, who is representing the civil revision petitioners, he states that he will substitute the prayer (a) found in the arbitration original petition with a prayer to set aside the impugned award.

5. In the light of the subsequent willingness expressed by the learned counsel for the petitioners to substitute the prayer, I am inclined to pass the following order:-

- (i) If the petitioners confine/limit their prayer only to set aside the award passed by the 3rd respondent/Arbitrator, then the question of paying *ad valorem* court fee will not arise.



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(ii) The original papers have been filed before this Court in this revision.

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The Registry is directed to return the original petition to the learned counsel for the petitioners, after obtaining usual endorsement.

(iii) The petitioners are permitted to represent the papers before the learned Principal District Court, Erode after making the necessary amendment to the prayer.

6. This view that is taken by me is in line with the view taken by my brother Hon'ble Mr.Justice S.SOUNTHAR in C.R.P.No.1373 of 2021, dated 20.02.2024.

7. In view of the above directions, the Civil Revision Petition stands disposed of. There shall be no order as to costs.

11.07.2024
(1/9)

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm



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To

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Erode.
- 2.The Project Director,
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V.LAKSHMINARAYANAN, J.

dm

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