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C.R.P.(MD)No.1696 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P.(MD).No.1696 of 2024

1. Paulrajan
2. Sendrayar
3. Ramar
4. Paramasivam
5. Manickavasagar

(Power of Attorney for petitioners 1 to 4)

... Petitioners/Applicants

Vs.

1. The Spl. District Revenue Officer
(Land Acquisition Officer / National
Highways-45-E&220),
Having office at the Collectorate Building,
Theni District.
2. The Project Director,
(National Highways-45-E&220),
National Highways Authority of India,
Having office at plot Nos.3, Suriya Towers,
2nd Floor, 1st East street, K.K.Nagar,
(Near Muthuvelrajan Hospital,
Madurai – 625 020.

... Respondents/Respondents



PRAYER : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order made in unnumbered application in Arb.O.P.No. of 2023 dated 12.12.2023 on the file of the Principal District Judge, Theni and to number the unnumbered Arb.O.P.No. of 2023 filed by the petitioners herein and to proceed in accordance with law and allow this civil revision petition.

For Petitioners : Mr.R.Manoharan
For R-2 : Mr.P.Karthick
For R-1 : Mr.K.Balasubramani,
Special Government Pleader.

ORDER

Heard the learned counsel on either side.

2. The petitioner wants to question the arbitration award passed on 23.11.2015 under Section 3G(5) of the National Highways Act 1956. The petitioner claims to have presented the set aside petition under Section 34 of the Arbitration and Conciliation Act, 1996 in time. It is further claimed that the bundle went missing and it has now been re-constructed. I do not want to go into those issues. The only question I am now concerned is whether the Court fee paid by the petitioner is correct. According to the



petitioners, they have to pay the Court fee under the unamended Tamil Nadu Court-Fees and Suit Valuation Act, 1955. The Court below has made a return that the Court fee has to be paid as per the amendment which came into force on 01.03.2017.

3. The issue raised in the civil revision petition is no longer *res integra*. A learned Judge of this Court vide order dated **19.06.2023** in ***S.A.SR.No.24518 of 2018 (V.Rajarithinam V. V.Sivasubramanian and others)*** had held that the amended provisions of the Tamil Nadu Court Fees and Suit Valuation Act, 1955, enhancing the Court fees vide the Amended Act would not apply to an appeal arising out of a suit instituted prior to the amendment ie. prior to 01.03.2017. The same principle will apply to the case on hand also. In this case, the award was passed on 23.11.2015. The set aside petition was filed under Section 34 of the Act against the award passed on 23.11.2015 which is prior to the amended Act. Consequential arbitration petition has to be valued in terms of the unamended Act that was applicable at the time when the arbitration award was passed.



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4. The other issues have not been gone into. The petitioners are at liberty to re-present the unnumbered Arbitration OP. This revision petition stands allowed on these terms. No costs.

06.09.2024

Index : yes/No
Internet: Yes/No
PMU

To

The Spl. District Revenue Officer
(Land Acquisition Officer / National
Highways-45-E&220),
Having office at the Collectorate Building,
Theni District.



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G.R.SWAMINATHAN,J.

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