



C.M.A.(MD) No.1233 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM

**THE HON'BLE MR.JUSTICE SUNDER MOHAN**

**C.M.A.(MD) No.1233 of 2016**

R.Manoharan.

... Appellant

Vs.

1.The District Collector cum Arbitrator,  
Collectorate Building,  
Tiruchirappalli.

2.The Project Director,  
National Highways Authority of India,  
Ponnagar, Trichy.

3.The Special District Revenue Officer,  
Land Acquisition (National Highways),  
Ponnagar, Tiruchirappalli.

... Respondents

Prayer: Civil Miscellaneous Appeal filed under Section 37 of the Arbitration Act, 1996, against the order, dated 19.04.2013 passed in Arbitration O.P.No.8 of 2010, on the file of the Principal District Judge, Tiruchirappalli.

For Appellant

: Mr.P.Jayaprakash Narayan



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For Respondents

for R1 & R3

: Mr.V.Omprakash,  
Government Advocate

for R2

: Mr.S.Sankarapandian  
for M/s.C.Arulvadivel Associates

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### **J U D G M E N T**

The instant appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter called 'the Act').

2. The appeal arising under the following circumstances:

a. The land of the appellant was acquired under Section 3A of the National Highways Act, 1956. The first respondent herein had determined the compensation based on the market value of the land and fixed the compensation at Rs.86/- per sq.m, though the third respondent herein while acquiring the land had fixed the compensation at Rs.56/- per sq.m.

b. The appellant challenged the said award of compensation before the learned Principal District Judge, Trichy, under Section 34 of the 'Act'.

c. The first respondent filed a counter before the Principal District Judge, Trichy, stating that based on the value of the land, the



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compensation determined by the first respondent at Rs.86/- per sq.m was fair and just and therefore, the petition filed under Section 34 of the 'Act' is not maintainable.

d. The learned Judge had considered the rival submissions and held that the appellant herein had not made out any ground available to him under Section 34 of the 'Act' for setting aside the award.

3. The learned counsel for the appellant submitted that the learned Principal District Judge, Trichy, ought to have seen that since the compensation awarded was meagre, the finding of the first respondent was liable to be set aside as it is perverse.

4. The learned counsel for the respondents, per contra, submitted that since none of the grounds enumerated in Section 34 of the 'Act' for setting aside the award, were made out the order of the learned Judge dismissing the petition under Section 34 is in accordance with law.

5. The only point raised by the learned counsel for the appellant is that the compensation determined by the first respondent herein at Rs.86/-



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per sq.m is meagre; and that it is not based on any acceptable material as the first respondent ought to have fixed the value based on the documents furnished by the appellant. The above ground is factual. In any case, the learned counsel for the appellant was unable to point out as to why the impugned order, which has been passed on the correct appreciation of Section 34 of the 'Act', has to be set aside. It is well settled that the scope of Section 37 of the 'Act' is much narrower than the scope of the petition under Section 34 of the 'Act'. This Court, therefore, finds no infirmity in the order passed by the learned Judge in dismissing the above petition under Section 34 of the 'Act'. Therefore, there is no merit in the instant appeal.

6. In the result, this Civil Miscellaneous Appeal is dismissed. No costs.

**18.09.2024**

Index: Yes/ No  
NCC: Yes / No  
Speaking Order / Non-Speaking Order  
apd



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To:

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1. The Principal District Judge, Tiruchirappalli.
2. The Record Keeper,  
V.R.Section,  
Madurai Bench of Madras High Court,  
Madurai.



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**SUNDER MOHAN, J.**

apd

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