



Arb.Appeal No.24 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

Arb.Appeal No.24 of 2025

and

CMP No.10990 of 2025

The Project Director,
National Highways Authority of India
SRI Towers
3rd Floor, DP 34 (SP) Industrial Estate
Guindy Chennai 32.

: Appellant

Vs

1.The Competent Authority and
Special District Revenue Officer (LA)
National Highways Kancheepuram and
Tiruvallur Districts at Kancheepuram now at
Poonamallee Chennai 56.

2.The Arbitrator (NH) and Senior District Collector
Tiruvallur District

3.Jeyachandiran(Died)

4.J.Vijayalakshmi

5.B.Mahalakshmi

6.N.Aparnalakshmi

7.J.Kavitha

8.J.Satyanarayanan

: Respondents

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(Respondent-3 Died. Respondents 4 to 8 brought on record as LR's of the deceased R-3, vide order dated 3.6.2025 in CMP No.10990 of 2025)

Prayer: Appeal filed against to set aside the order of the Honorable Principal District Judge, Tiruvallur, in the Arbitration O.P.No.105/2008 dated 24.08.2023.

For Appellant : Ms.S.R.Sumathy

For Respondents 1, 2 : Ms.R.Anitha,
Special Government Pleader (C.S.)

For Respondents 4 to 8 : Mr.N.V.V.Krishna

JUDGMENT

(Judgment of the Court was delivered by the Hon'ble Chief Justice)

Ms.Sumathy and Mr.Krishna state that the facts are identical to Arb.Appeal No.17 of 2024 and therefore, this Court may pass the same order that was passed in Arb.Appeal No.17 of 2024 on 27 January 2025.

2. The order dated 27 January 2025 reads as under:

“The appeal seeks to impugn an order dated 24.08.2023 passed by the Principal District Judge, Tiruvallur, by which a petition under Section 34 of the Arbitration and Conciliation Act, 1996, (for short, ‘the



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Act') has been allowed.

2. Some of the respondents are not served. Having heard the counsels who are present before us today, in our view, we need not wait for all the respondents to be served.

3. The operative part of the impugned order reads as under:

“1. that the Arbitration Original Petition be and the same is hereby allowed.

2. that the orders passed by the 2nd respondent (The Arbitrator/ Senior District Collector, Tiruvallur) in R.Dis.47982/2004/F3 dated 08.03.2008 with respect to the award of Competent Authority/ Special District Revenue Officer (LA), National Highways Scheme, Kancheepuram and Tiruvallur in Rc.No.295/2001/A/NH-4/TVR dated 24.06.2004 for the petition scheduled property be and the same is hereby set aside.”

4. Ms.Sumathy states that the prayer in the Section 34 petition sought not only setting aside of the arbitral award passed by the second respondent, i.e. the Senior District Collector, but also for a direction to respondents to enhance the compensation for petitioners' acquired land and superstructure with 30% solatium together with interest thereon.

5. Ms.Sumathy submitted that by stating that the arbitral original petition is allowed, Section 34 Court has, in effect, also granted the second part of respondents' request for enhancing the compensation.

6. We do not agree with this concern expressed by Ms.Sumathy. It is because in paragraph 23 of the



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impugned order, the Court makes it clear that the second part of the prayer to grant increased compensation cannot be granted.

Paragraph 23 reads as under:

“23. So, while this Tribunal comes to the conclusion to set aside the award/ impugned order passed by the second respondent, this Court cannot help the claimants by way of modification. So, within the limited scope, this Court can set aside the award/ impugned order passed by the second respondent.”

7. In the circumstances, the impugned order merits no interference. Appeal dismissed. There will be no order as to costs. Consequently, the interim application also stands disposed of.

3. The appeal stands dismissed. There will be no order as to costs.

Consequently, the interim application also stands disposed of.

(K.R.SHRIRAM, CJ.)

(SUNDER MOHAN, J.)

09.06.2025

Index : Yes/No
Neutral Citation : Yes/No
tar



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