



Arb.Appeal No.17 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM

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

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Arb.Appeal No.17 of 2024

AND

CMP No.28087 of 2024

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

versus

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

2.The Arbitrator (NH) and Senior District Collector
Thiruvallur District, Thiruvallur

P.K.Palani (died)

3.Vasantha

4.Prema Krishnamoorthy

5.Kaumathi

6.Banumathi

7.Sivakumar

8.Narayanamoorthy

: Respondents



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Prayer: Appeal filed against the Judgment in Arbitration Original Petition No.94 of 2008 dated 24.08.2023 on the file of the Principal District Judge, Tiruvallur.

For Appellant : Ms.S.R.Sumathy

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

For Respondents 7, 8 : Mr.M.S.Subramanian

Respondents 3 to 6 not ready in notice

JUDGMENT

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

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 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.



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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.



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

(K.R.SHRIRAM, CJ.)

(SENTHILKUMAR RAMAMOORTHY, J.)

27.01.2025

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



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To
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