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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-02-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

WP No. 6266 of 2025

1. R.Srinivasan

S/o.D.Ramadoss, Door No.34/76,
Balakrishnan Street Extension, Ashok
Nagar, Chennai-83.

Petitioner(s)

Vs

1. National Highways Authority Of
India

Rep. By Its Project Director In Charge
Of Nh 45 Tindivanam, Moovendar
Nagar, Villupuram District, Villupuram
605 602.

2.The District Collector
Villupuram District, Villupuram
Collectorate, Collector Office Road,
Moovendar Nagar, Villupuram 605
602.

3.The Competent Authority (land
Acquisition) And
The Special District Revenue Officer,
(land Acquisition National Highways)
Nh-45, Dindivanam Bye Pass,



Villupuram Collectorate, Collector
Office Road, Moovendar Nagar,
Villupuram District, Villupuram-605
602.

Respondent(s)

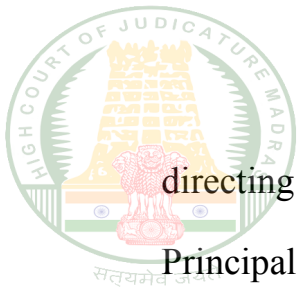
PRAYER

Writ petition has been filed under Article 226 of Constitution of India for the issue of writ of Mandamus directing the second respondent to resume the Arbitral proceedings in order to eliminate the grounds in setting aside the arbitral award as per the order passed by the Principal District Judge, Villupuram in I.A. No.706/2022 in Arb.O.P. No.119/2021 dated 18.07.2024 pertaining to petitioners land in survey No.11/1A measuring an extent of 10980 sq.mtr and in survey no.11/2A measuring 315 sq.mtr, totally measuring an extent of 11295 sq.mtrs situated at Kidangal Village, Tindivanam, Villupuram District.

For Petitioner(s):	David Tyagaraj
For Respondent	Mr.Su.Srinivasan, Standing counsel for R1 MR.A.Selvendran, Special Government Pleader for respondents 2 and 3

ORDER

This writ petition has been filed for the issue of writ of Mandamus

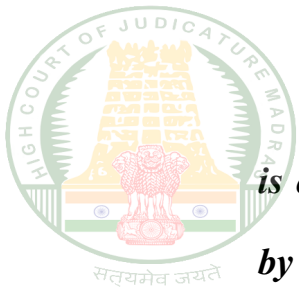


directing the 2nd respondent to comply with the directions issued by the Principal District Judge, Villupuram in IA No.706 of 2022 in Arbitration OP No.119 of 2021 dated 18.07.2024 and to pass appropriate orders within the time frame fixed by this Court.

2. Heard Mr.David Tyagaraj, learned counsel for the petitioner and Mr.Su.Srinivasan, learned Standing counsel for 1st respondent and Mr.A.Selvendran, learned Special Government Pleader for respondents 2 and 3.

3. The petitioner filed a Arbitration OP against the award passed by the District Collector in Arbitration OP No.119 of 2021. During the pendency of this Arbitration OP, the petitioner filed IA No.706 of 2022 and the Principal District Judge, Villupuram conducted an enquiry and passed an order on 18.07.2024 and the relevant portion is extracted hereunder :-

19. Even before the Arbitral Tribunal the petitioner putforth his grievance that the interest calculated is not correct and interest on solatium not provided. The Arbitrator has not stated any explanation in his award dated 15.06.2021 about the objection putforth by the petitioner. Therefore, as per the guidelines in the judgements of the Hon'ble Apex Court reported in Sunder Vs. Union of India, the Arbitrator is directed to reconsider the point of interest on solatium and to verify the calculation for the period from 02.11.2017 to 20.03.2019 and to see whether the calculation



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is correct or not. Taking into consideration of the request made by the petitioner in Sec.34(4) of the Arbitration and Conciliation Act, this Court thought fit that it is appropriate and on the request made by the petitioner, adjourn the matter in the main O.P for one month time with a view to provide an opportunity to the Arbitral Tribunal to resume the arbitral proceedings for the reasons, discussed in the order to eliminate the ground for setting aside the Arbitral Award and to give reason for the query raised by the petitioner.

In the result, this Court thought fit that it is appropriate and on the request made by the petitioner, adjourn the matter in the main O.P for one month in order to give an opportunity to the Arbitral Tribunal to resume the arbitral proceedings for the reasons discussed in the order to eliminate the ground for setting aside the Arbitral Award.

4. After the above order was passed, the petitioner made three representations before the 2nd respondent to conduct the enquiry and to pass orders as directed by the Principal District Judge, Villupuram. Since the same did not evoke any response, the present writ petition has been filed before this Court.

5. In the considered view of this Court, the Principal District Judge,



Villupuram has now adjourned the main case awaiting for the further orders to be passed by the 2nd respondent after it was remitted back to deal with the particular issue based on the judgement of the Apex Court in *Sunder case*. The 2nd respondent ought to have dealt with the same and should have passed an order. Therefore, there shall be a direction to the 2nd respondent to pass orders based on the directions issued by the Principal District Judge, Villupuram in IA No.706 of 2022 in Arbitration OP No.119 of 2021 within a period of six weeks from the date of receipt of a copy of this order. The order passed by the 2nd respondent shall reach the Principal District Judge, Villupuram, within the time frame fixed by this Court. Based on the same, final order shall be passed by the Principal District Judge, Villupuram, in main Arbitration OP No.119 of 2021.

6. This writ petition is disposed of with the above directions. No costs.

26-02-2025

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To

1.National Highways Authority Of
India

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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