



W.A.Nos.1888, 1889 & 1891 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM

**THE HON'BLE MR. JUSTICE S. M. SUBRAMANIAM**

**AND**

**THE HON'BLE MR. JUSTICE K. RAJASEKAR**

Writ Appeal Nos.1888, 1889 & 1891 of 2024

|                    |                                  |
|--------------------|----------------------------------|
| S.Jayachandran     | ... Appellant in WA.No.1888/2024 |
| Mrs.G.Prashanthi   | ... Appellant in WA No.1889/2024 |
| S.Bakthavaatchalam | ... Appellant in WA No.1891/2024 |

Vs.

- 1.The Arbitrator cum District Collector,  
Thiruvallur District,  
Thiruvallur.
- 2.The Competent Authority cum Special District  
Revenue Officer (Land Acquisition – National Highway -205)  
Lal Bahadur Sastri Street, Periyakulam,  
Thiruvallur – 602 001.
- 3.The Project Director,  
National Highways Authority of India,  
Project Implementation Unit, Sri Tower, 3<sup>rd</sup> Floor,  
DP-34 (SP), Industrial Estate, Guindy,  
Chennai – 600 032.



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4.National Highways Authority of India,  
By its Chairman,  
G-5 76, Sector 10,  
Dwarka, New Delhi – 110 075.

5.The Government of India,  
By its Secretary to the Government,  
Ministry of Road, Transport and Highways  
Transport Bhavan, No.1, Parliament Street,  
New Delhi – 110 001.

... Respondents in all WAs

Writ Appeals filed under Clause 15 of Letters Patent Act,  
against the order dated 10.01.2024 in W.P.Nos.387, 391 & 382 of 2024.

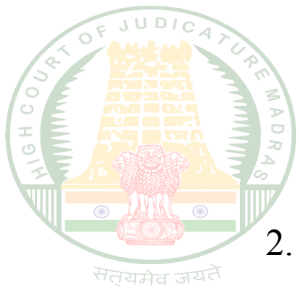
For Appellant in all WAs : Ms.V.Sruthi

For RR1 & 2 : Mr.Vadivelu Deenadayalan,  
Additional Government Pleader

### COMMON JUDGMENT

(Judgment of the Court was made by S.M.SUBRAMANIAM, J.)

Ms.V.Sruthi, learned counsel appearing for the appellants articulated the case by stating that the compensation fixed by the Arbitrator and District Collector, Thiruvallur is not inconsonance with the established principles.



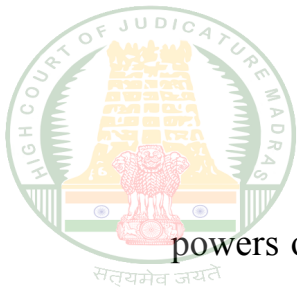
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2. Right to property is a constitutional right under Article 300-A of the Constitution of India. The learned Single Judge has not considered the property right of the appellants for the purpose of adjudication of issues on merits relating to quantum of compensation sought to be enhanced by the writ petitioners.

3. This Court is of the considered opinion that the order of the Arbitrator and District Collector dated 16.05.2023 challenged the writ petition itself indicates that the order may be appealed before suitable appellate forum as per Section 34 of the Arbitration and Conciliation Act, 1996.

4. High Court in exercise of the powers of judicial review may not be in a position to adjudicate certain disputed issues for fixing just compensation to the aggrieved person. Grant of compensation or enhancement of compensation required adjudication of material facts and documents available on record.

5. Such an exercise is to be undertaken by the original authority and the appellate forum by following the procedures. The findings of these forums would be of greater assistance to the High Court to exercise the



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powers of judicial review in an effective manner. Contrarily, High Court in a writ petition cannot adjudicate such disputed issues.

6. The Arbitration and Conciliation Act is a special enactment and exhausting the alternate remedy contemplated under the Act is of paramount importance. Rule is to exhaust the appellate remedy and dispensing with the appellate remedy is to be granted exceptionally only, if the Court finds that there is a gross injustice. In all other circumstances, the parties have to exhaust the appellate remedy/alternate remedy contemplated under the Act, before approaching the Court of law. The learned Single Judge also reiterated the said principle and therefore, this Court do not find any infirmity in respect of the writ orders, which are impugned in the present writ appeals.

7. Accordingly, the writ appeals stand dismissed. There shall be no order as to costs.

(S.M.S., J.) (K.R.S., J.)  
12.03.2025

ssi  
Index: Yes/No  
Speaking Order: Yes/No  
Neutral Citation Case : Yes/No



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