



W.A.No.2603 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 08.09.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR**

W.A.No.2603 of 2025

P.Prema

... Appellant

-Vs-

1. The Competent Authority,
The Special District Revenue Officer
(Land Acquisition),
National Highways,
N.H-5, Kancheepuram and Thiruvallur Districts,
Kancheepuram.

2. The Project Director,
National Highways Authority of India, N.H.5,
Sri Towers, III Floor,
Guindy,
Chennai - 600 032.

... Respondents

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 22.01.2024 in W.P.No.17990 of 2018.

For Appellant : Mr.M.Karthikeyan

For Respondents : Mr.S.John J.Raja Singh
Addl. Govt. Pleader for R1
Ms.S.R.Sumathy
Standing Counsel for R2

ORDER



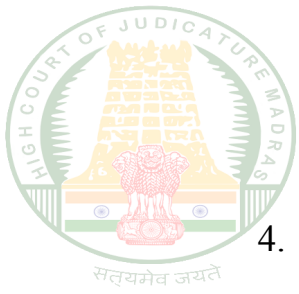
W.A.No.2603 of 2025

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

WEB COPY This intra Court appeal has been directed against the order dated 22.01.2024 made in W.P.No17990 of 2018 wherein a writ of mandamus was sought for directing the respondents to consider the representation .

2. In fact, the impugned order was a common order passed by the writ Court dated 22.01.2024, where group of writ petitions were heard together and disposed of.

3. The writ Court having heard both sides was of the view that, as against the award passed by the Authority concerned, appeal remedy since has been provided under the provisions of the National Highways Act, 1956 by way of arbitration before the Arbitrator and without exhausting such appeal remedy since the writ petitioner had straight away approached the writ Court, on the ground of non-exhausting of the appeal remedy, the writ Court has dismissed all those writ petitions including the writ petition in W.P.No.17990 of 2018 and given liberty to the writ petitioners to approach the Appellate Authority within a time frame of fifteen days from the date of receipt of a copy of the order.



W.A.No.2603 of 2025

4. In this context, it is to be noted that, as against the said order dated 22.01.2024, already two intra-Court appeals in W.A.Nos.1927 & 1928 of 2025 were filed and in those writ appeals, the orders passed in W.P.Nos.16228 & 16230 of 2011 were under challenge, i.e., the very same impugned order. A Division Bench of this Court, by order dated 30.06.2025 was pleased to dismiss those intra-Court appeals stating the very same reasons of non-exhausting of alternative appeal remedy.

5. Therefore, insofar as the present appeal is concerned, it has to face the same fate at our hands, hence the appeal is liable to be dismissed. But at the same time, Mr.M.Karthikeyan, learned counsel appearing for the appellant would contend that, a liberty was given by the writ Court in the said order dated 22.01.2024, whereby fifteen days time has been granted for the writ petitioners to approach the Appellate Authority by way of arbitration proceedings and while appeals have been filed before the Division Bench, vide its order dated 30.06.2025, the Division Bench though has dismissed the writ appeals as cited *supra*, such liberty and time frame since has not been given or made, it would be difficult for the present appellant also to approach the Appellate Authority, i.e., Arbitrator under Section 3(G)(5) of the National Highways Act, 1956 and therefore, to that extent, if a clarification is given, accordingly if the writ appeal



W.A.No.2603 of 2025

is disposed of, that would be suffice for the appellant, he contended.

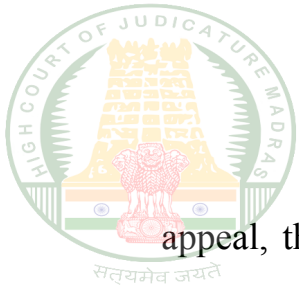
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6. We have heard Mr.S.John J.Raja Singh, learned Additional Government Pleader appearing for the first respondent and Ms.S.R.Sumathy, learned Standing Counsel appearing for the second respondent .

7. As has been discussed hereinabove, since this appeal also has to be dismissed for the reasons already been recorded by the writ Court through the impugned order as well as the very same reasoning having been confirmed by the Division Bench by its order dated 30.06.2025 in W.A.Nos.1927 & 1928 of 2025, in the same line, the present appeal is also liable to be dismissed, accordingly, it is dismissed.

8. However, two weeks time from the date of receipt of a copy of this judgment is granted to the appellant to approach the Appellate Authority, i.e., Arbitrator under Section 3(G)(5) of the National Highways Act. If such an appeal by way of arbitration is filed within the time frame, the same shall be entertained and be decided by the Arbitrator under the provisions of the Arbitration and Conciliation Act without insisting upon any limitation point against the appellant.

9. With this liberty and extension of time to file arbitration by way of an



W.A.No.2603 of 2025

appeal, this Writ Appeal is dismissed. However, there shall be no order as to

costs.

(R.S.K., J.) (H.C., J.)
08.09.2025
(1/4)

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

To

1. The Competent Authority,
The Special District Revenue Officer
(Land Acquisition),
National Highways,
N.H-5, Kancheepuram and Thiruvallur Districts,
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W.A.No.2603 of 2025

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