



W.P.Nos. 19992 and 19993 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P Nos. 19992 and 19993 of 2019

1. Ramachandran

..Petitioner in

W.P.No. 19992 of 2019

2. Shanmugavalli

..Petitioner in

W.P.No. 19993 of 2019

Vs

1. The District Collector-cum-Arbitrator
Villupuram District.

2.The Competent Authority,
(NHAI) / Special District Revenue Officer,
(NH-68) Salem-Villupuram District @ Salem.

3.The Special Tahsildar (L.A)
National Highways -68
Kallakurichi.

4.The Project Director,
National Highways Authority of India
PIU Salem,
D.No. 212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem-636004.
(Impleaded as 4th respondent
vide order of this Court dated 17.09.2025)

..Respondents in
both WPs

Common Prayer: Writ Petitions are filed under Article 226 of Constitution of



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India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in relation to the impugned proceedings in Na,Ka, (Arbitration) A1/23039/2017 dated 16.11.2018 and in Na,Ka, (Arbitration) A1/23040/2017 dated 16.11.2018 respectively, quash the same and further direct the 1st respondent to hear the claim petitions referred by the petitioner by considering the representation of the petitioners dated 08.08.2017 and pass such further or other orders.

For Petitioners : Mr.Dinesh Kumar. P.
(in both WPs)

For Respondents : Mr. M.R.Gokul Krishnan, AGP -R1 to R3
(in both WPs) Mr. Su. Srinivasan - R4

COMMON ORDER

These writ petitions are filed challenging the order passed by the 1st respondent dated 16.11.2018 thereby rejecting the appeal filed by the petitioners for enhancement of compensation under the National Highways Act.

2. The petitioners are the owners of respective parcels of land that were acquired by the 2nd and 3rd respondents under the provisions of the National Highways Act, 1956, for the purpose of laying a road between Salem and Ulundurpet. An award under Section 3G of the Act was passed by the 2nd respondent on 14.12.2010, and compensation amounts were paid to the petitioners.

3. According to the petitioners, although the award was passed in 2010, they received a copy of the award only on 23.11.2016. Immediately thereafter,



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they filed an appeal before the 1st respondent seeking enhancement of compensation under Section 3G(5) of the Act. However, their appeal was rejected on the ground that it was filed beyond the prescribed period of three years, allegedly from the date of the award. Challenging the same, the writ petition is filed.

4. The learned counsel for the petitioners submitted that the rejection of the appeal on the ground of limitation is erroneous, particularly because the award was served only on 23.11.2016, and the petitioners acted promptly thereafter. Moreover, the question of whether limitation applies to an application for reference under Section 3G(5) is currently pending before the ***Hon'ble Supreme Court in SLP No. 35515 of 2015 (K. Leela v. District Collector and Arbitrator & Another)***. By order dated 06.09.2024, the Hon'ble Supreme Court granted an interim stay on the impugned judgment of the Kerala High Court that upheld a similar rejection order based on limitation. Hence, it was prayed that the petitioners be permitted to file an application for reference, subject to the outcome of the above SLP.

5. The learned counsel for the respondents submitted that the petitioners' application for enhancement of compensation under Section 3G(5) of the

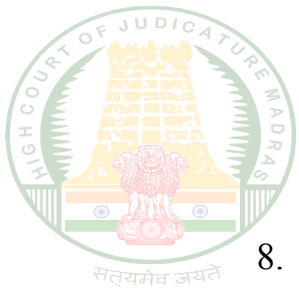


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National Highways Act, 1956, was rightly rejected by the 1st respondent on the ground of limitation. It was contended that the award was passed on 14.12.2010, and that the petitioners had accepted the compensation without any protest, thereby waiving their right to challenge or seek enhancement at a belated stage. The respondents further argued that even assuming the award copy was served later, the appeal was filed well beyond the reasonable period, and hence, the rejection was in consonance with principles of limitation and finality of proceedings does not require any interference by this Court.

6. Heard both sides and perused the materials on record.

7. The principal issue that arises in the present case is whether the application for enhancement of compensation filed under Section 3G(5) of the National Highways Act, 1956, is governed by any period of limitation, and in particular, whether Article 137 of the Limitation Act would apply.



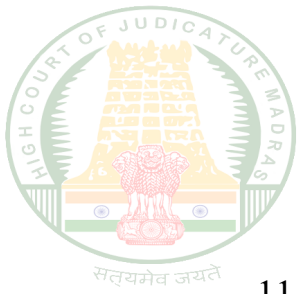
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8. In this context, the Hon'ble Division Bench of this Court, in ***The Project Director, Project Implementation Unit, National Highways Authority of India v. K. Periyasamy & Others (W.A. No. 308 of 2016 & batch, dated 24.04.2018)***, held categorically that:

“The provisions of the Limitation Act, and more particularly Article 137, would not apply to an application for reference to arbitration under Section 3G(5) of the National Highways Act, 1956.”

9. Following the above decision, the learned Single Judge of this Court in ***Sampoornam v. The District Collector-cum-Arbitrator (W.P. No. 26207 of 2018, dated 05.10.2018)*** allowed a writ petition and set aside the impugned rejection order, which was passed on the ground of limitation.

10. Further, as rightly pointed out by the learned counsel for the petitioner, in ***SLP No. 35515 of 2015 (K. Leela v. District Collector and Arbitrator & Another)***, the Hon'ble Supreme Court has granted interim stay against the judgment of the Kerala High Court dated 30.03.2015 in W.A. No. 226 of 2015, which had confirmed a rejection on the same limitation ground. The issue is thus sub judice before the Apex Court.



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11. In light of these decisions and the pending determination before the Hon'ble Supreme Court, it is not appropriate to non-suit the petitioners at this stage solely on the ground of limitation.

12. Considering the facts and circumstances of the case, and the decisions cited supra, this Court is of the opinion that the petitioners should be permitted to file an application for enhancement of compensation before the 1st respondent under Section 3G(5) of the National Highways Act, 1956, subject to the outcome of the above-mentioned SLP pending before the Hon'ble Supreme Court.

13. Accordingly, the following directions are issued;

- i. Writ petitioners are permitted to file an appeal before the 1st respondent for enhancement of compensation under Section 3G(5) of the National Highways Act, 1956, subject to the result of the order to be passed by the Hon'ble Supreme Court.
- ii. If the decision of the Hon'ble Supreme Court in SLP No. 35515 of 2015 ended in favour of the petitioners, the petitioners shall be at liberty to file an application before the 1st respondent seeking enhancement of compensation.
- iii. Upon receipt of such application, the 1st respondent shall consider the same on merits and in accordance with law,



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without reference to limitation.

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14. With the above directions, the writ petition is disposed of. No costs.

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Index : Yes/No

Internet : Yes/No

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