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C.R.P.Nos.3255, 3256 & 3257 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

**CORAM
THE HONOURABLE MR. JUSTICE P.B.BALAJI**

C.R.P.Nos.3255, 3256 & 3257 of 2025

C.R.P.No. 3255 of 2025

G.Prashanthi	... Petitioner in CRP.No.3255 of 2025
S.Jayachandran	... Petitioner in CRP.No.3256 of 2025
S.Bakthavatchalam	... Petitioner in CRP.No.3257 of 2025

Vs.

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

... Respondents in all CRP's.



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Prayer in CRP.No.3255 of 2025:Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Registry of the Principal District and 2nd Sessions Court, Thiruvallur to number the Arbitration OP.SR.No.1710 of 2025.

Prayer in CRP.No.3256 of 2025:Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Registry of the Principal District and 2nd Sessions Court, Thiruvallur to number the Arbitration OP.SR.No.1708 of 2025.

Prayer in CRP.No.3257 of 2025:Civil Revision Petition filed under Article 227 of the Constitution of India, to direct the Registry of the Principal District and 2nd Sessions Court, Thiruvallur to number the Arbitration OP.SR.No.1711 of 2025.

For Petitioners in all CRP's : Mr.J.Thilagaraj

For Respondents in all CRP's : Mr.N.Muthuvel for R1 & R2
Government Advocate



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C.R.P.Nos.3255, 3256 & 3257 of 2



COMMON ORDER

Mr.J.Thilagaraj, learned counsel for the revision petitioners states that the Appellate Court/ Principal District and 2nd Sessions Court, Thiruvallur erroneously returned the appeal preferred under Section 34 of the Arbitration and Conciliation Act, 1996, challenging the award of the land acquisition.

2. The learned counsel for the petitioners states that when this Court, in both writ petition as well as writ appeal, had permitted the petitioner to move the Court under Section 34 of the Arbitration and Conciliation Act, there is no necessity for taking out separate application seeking condonation of delay in filing petition under Section 34 of CPC. Therefore, he states that return of papers insisting on condone delay petition is unsustainable.

3. I have gone through the orders passed by this Court as well as the Division Bench of this Court, in writ appeal, confirming the order of the learner Single Judge. The liberty granted to the petitioners is only to move the petition under Section 34 of the Arbitration and Conciliation Act in accordance with the law. This Court has not granted any particular time frame for preferring the petition before the Appellate Court and in such event, the petitioners may not be right in contending that the application to



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condone delay would not be necessary. However, this Court only permitted the petitioners to file a petition in accordance with the law, which clearly implies that the petitioners will necessarily have to take out application for condonation of delay. Therefore, I do not find any infirmity in the order passed by the appellate court, insisting on application for condonation of delay. In view of the fact that the petitioner had approached this Court by way of writ petition and thereafter, challenged the order of the learned Single Judge by way of writ appeal, it is always open to the petitioners to rely upon Section 14 of the Limitation Act, explain the delay and seek for condonation of the delay.

4. Considering the fact that the petitioner has moved the Hon'ble Division Bench of this Court subsequent to the dismissal of the writ petition and even the Division Bench has directed the petitioner to file a petition under Section 34 of the Arbitration and Conciliation Act, challenging the award, the exercise undertaken being found to be bonafide, the petitioner is entitle to include the period lost prosecuting the writ appeal as well while seeking condonation of delay.



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5. With the above observations, these Civil Revision Petitions stands dismissed. No costs.

29.07.2025

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

1. The Principal District and 2nd Sessions Court, Thiruvallur
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Thiruvallur.
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P.B.BALAJI, J.

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