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W.P.No.45627 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.11.2025

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

W.P.No.45627 of 2025

1.Mustik Basha
2.Murthy
3.Yamuna

... Petitioner

Vs.

1. The Competent Authority
The Special District Revenue Officer (Ia),
National Highways 66, Vellore.

2. The Arbitrator / District Collector
Tiruvannamalai.

3. The Project Director
National Highways Authority Of India, Project
Implementation Unit
N26 First Floor, Vgp Nagar, Villupuram.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to dispose of the representation of the petitioners dated 25.09.2025 for payment of 30 percent solatium as well as 15 percent interest on the
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award passed by the second respondent vide proceedings no.M1/26314/
2020 dated 31.05.2021

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For Petitioner : Mr.S.Vijayakumar, Sr.counsel
Asst. by Mr.J.Melwin Jabaz

For Respondent : Mr.P.Sathish, AGP for R1 & 2
Mr.Su.Srinivasan, St.counsel for R3

ORDER

This writ petition has been filed to direct the 2nd respondent to dispose of the representation of the petitioners dated 25.9.2025 for payment of 30% solatium and 15% interest on the award passed by the 2nd respondent dated 15.6.2021.

2. Mr.P.Sathish, learned Additional Government Pleader, takes notice on behalf of the respondents 1 & 2 and Mr.Su.Srinivasan, learned Standing counsel, takes notice on behalf of the 3rd respondent.

3. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.



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4. The learned Senior counsel for the petitioner would submit that in this case, initially, an award dated 11.03.2016 was passed by the 2nd respondent and the same was challenged by the petitioners vide Arb.O.P.No.17/2017 before the Principal District Judge, Tiruvannamalai on the two grounds, viz., (i) for enhancement of compensation and (ii) for 30% solatium & 15% interest for the belated period. The said original petition was allowed vide order dated 16.03.2020, whereby, the aforesaid award dated 11.03.2016 was set aside and the matter was remanded back for re-consideration.

5. Further, he would submit that after re-consideration, the 2nd respondent had enhanced the compensation vide order dated 31.05.2021. However, he ignored the relief with regard to 30% solatium and 15% interest for the belated period, which is contrary to the law laid down by the Hon'ble Apex Court in *Union of India & Another vs. Tarsem Singh & others* reported in *CDJ 2019 SC 1097*. Therefore, a representation dated 25.09.2025 was filed by the petitioners before the 2nd respondent, seeking for payment of 30% of solatium with accrued interest for the



delayed period. However, the said representation was not at all considered by the respondents till date. Hence, this petition.

6. In reply, the learned Additional Government Pleader and the learned Standing counsel appearing for the respondents would submit that the present petition has been filed only for a direction to dispose of the representation filed by the petitioner and no challenge has been made against the award passed by the 2nd respondent. If the petitioners are aggrieved over the award dated 31.05.2021, they are supposed to have challenged the said award, under Section 34 of the Arbitration and Conciliation Act, 1994, within a period of 120 days from the date of passing of award. However, without doing so, the petitioners had filed the representation requesting for 30% solatium, which is not proper, unless and otherwise, the aforesaid award is challenged in the manner known to law. Hence, he prays for dismissal of this petition.

7. Heard the learned counsel for the petitioner and the learned Additional Government Pleader and the learned Standing counsel for the respondents and also perused the entire materials available on record.



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8. In the case on hand, initially, an award dated 11.03.2016 was passed by the 2nd respondent and the same was challenged by the petitioners vide Arb.O.P.No.17/2017 before the Principal District Judge, Tiruvannamalai on two grounds, viz., (i) for enhancement of compensation and (ii) for 30% solatium & 15% interest for the belated period. The said original petition was allowed vide order dated 16.03.2020, whereby, the aforesaid award dated 11.03.2016 was set aside and the matter was remanded back to the 2nd respondent for re-consideration.

9. After re-consideration, the 2nd respondent had enhanced the compensation vide order dated 31.05.2021. However, no relief was granted on the aspect of 30% solatium and 15% interest for the belated period. Therefore, a representation dated 25.09.2025 was filed by the petitioners before the 2nd respondent, seeking for payment of 30% of solatium with accrued interest for the delayed period.



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10. As rightly contended by the respondents, if the petitioners are aggrieved over the award dated 31.05.2021, they are supposed to have challenged the same, under Section 34 of the Arbitration and Conciliation Act, 1994, within a period of 120 days from the date of passing of award. However, without doing so, they had filed a representation before the 2nd respondent for payment of 30% solatium.

11. Normally, if no challenge was made, against the award, before any Court of law, the said award will automatically attain its finality. When such being the case, without any challenge, the question of considering the petitioner's representation will not come into picture.

12. Further, by referring the judgement of Hon'ble Apex Court in ***Union of India & Another vs. Tarsem Singh & others*** reported in ***CDJ 2019 SC 1097***, a submission was made by the petitioners that they are entitled for 30% solatium.



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13. In the ***Tarsem Singh*** judgement, particularly the paragraph Nos.48 to 52, the Hon'ble Apex Court had held on the aspect of shifting the date for determining the market value of the acquired land. This Court is also in agreement with the said view. For example, if a land was acquired in the year 1995 and the compensation is not paid, certainly, imposing of interest for delayed period alone will not be sufficient. If the compensation was paid at the right time, the land owner could have purchased any huge land or building in some other place by utilising the said compensation amount. In such case, the date of determining compensation for the acquired land shall be shifted as held by the Hon'ble Apex Court. However, the present case is not with regard to shifting of date for determining compensation, but it is for payment of solatium.

14. Upon perusal of the award, it is clear that after hearing both the parties, the award was passed by the Arbitrator independently. In such case, as stated above, if there is any grievance, the right course available to the petitioner is to challenge the same in terms of Section 34 of the Arbitration and Conciliation Act, 1994 within a period of 120 days from



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the date of receipt of the award. However, without doing so, the petitioners have filed a representation dated 25.09.2025 before the 2nd respondent for payment of 30% solatium, which is not proper.

15. In view of the above, this Court is of the view that there is no merits in this case and hence, the present petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No cost.

24.11.2025

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

nsa

To

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KRISHNAN RAMASAMY.J.,

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