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Tr.C.M.P(MD)No.156 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 07.04.2025

Pronounced on : 05.06.2025

CORAM

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Tr.C.M.P(MD)No.156 of 2025

S.Thangavelu

... Petitioner

Vs.

1.The District Collector cum Arbitrator,
National Highways (Land Acquisition),
Dindigul District,
Dindigul.

2.The Competent Authority (LA) cum
District Revenue Officer,
Dindigul District,
Dindigul.

3.The Special Tahsildar (LA),
National Highways No.45 Extension,
District Collectorate complex,
Dindigul.

4.The Project Director,
National Highways Authority of India,
Plot No.3, Surya Tower 2nd Floor,
1st East Street, K.K.Nagar,
Madurai – 20.

... Respondents



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PRAYER : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, to withdraw and transfer the Ar.O.P.No.17 of 2017 from the file of the Additional District and Sessions Judge, Dindigul to the Principal District and Sessions Judge, Dindigul for speedy disposal as a competent Court.

For Petitioner : Dr.M.D.Poornachari
For R1 to R3 : Mr.A.Oli Raja
Government Advocate
For R4 : P.Karthick

ORDER

This petition is filed by the petitioner U/s.24 of CPC, seeking for an order to withdraw the case in Ar.O.P.No.17 of 2017 from the file of the Additional District and Sessions Court, Dindigul and to transfer the same to the file of the Principal District and Sessions Court, Dindigul.

2. The learned counsel for the petitioner has submitted that the petitioner had filed Ar.O.P.No.72 of 2017 before the Principal District and Sessions Judge, Dindigul to set aside the award passed by the 1st respondent/Arbitrator, dated 16.09.2016 passed in A.P.No.8/2015/A1/MM. 45.E/Kanavaipatti, Nilakkottai Taluk, Dindigul District. The 4th respondent



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has filed a counter and written arguments. The petitioner has also filed the

WEB.COM written arguments. The learned Government Pleader appeared on behalf of the respondents 2 and 3. The Ar.O.P.No.72 of 2017 was pending for further proceedings. While being so, all of a sudden, the learned Principal District Judge, Madurai, by means of internal circulation, has transferred the said Ar.O.P.No.72 of 2017 to the Additional District Court, Dindigul on 21.08.2024. The petitioner has also produced a copy of memo filed by the third respondent in another Ar.O.P.No.18 of 2019 on the file of Principal District Court, Dindigul, mentioning that as per Section 2(e) r/w 34 of Arbitration and Conciliation Act, 1996, the Principal District Court alone having jurisdiction to entertain arbitration application arising out of land acquired matters. The learned counsel for the petitioner has also relied on rulings of **AIR 2007 Bombay 149 (Full Bench) (M/s.Fountain Head Developers & etc.v. Mrs. Maria Arcangela Sequeira deceased by LRs & Ors., etc.)** and **2022 Live Law (SC 900) (Yashpal Chopra and Co. vs. Union of India & Ors.)**. So, the petition may be allowed.

3. The learned Government Advocate appearing for the respondents 1 to 3 has submitted that the matter is left to the Court. The learned counsel for the 4th respondent has stated as 'No objection'.



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WEB COPY 4. I have carefully considered the submissions made by both sides.

The petitioner has produced a copy of the memo filed by the third respondent, which was filed in Ar.O.P.No.18 of 2019 on the file of the Principal District Judge, Dindigul. It is clear from the memo that the 3rd respondent stated that Section 2(e) r/w Sec.34 of the Arbitration and Conciliation Act, 1996 laid down that to set aside an arbitral award application can be made before the Principal District Court having Principal Civil Court of Original jurisdiction of the District Concerned. The above position has been affirmed by the Hon'ble Supreme Court in the ruling **2022 Live Law (SC) 900** and the Full Bench of Bombay High Court reported in **AIR 2007 Bombay 149** as rightly relied on by the petitioner's side. As there is no objection raised by the respondents and also in view of the above settled position, this Court is inclined to allow this petition.

5. In the result, this Transfer Civil Miscellaneous Petition is allowed. The case in Ar.O.P.No.17 of 2017 from the file of the Additional District and Sessions Court, Dindigul, is hereby withdrawn and transferred to the file of the Principal District and Sessions Court, Dindigul. The learned Additional District and Sessions Judge, Dindigul, is directed to transmit the entire records



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pertaining to the case in Ar.O.P.No.17 of 2017 to the transferee Court, within

WEB COPY a period of two weeks from the date of receipt of a copy of this order.

No costs.

05.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
VSD

To

- 1.The Additional District and Sessions Judge,
Dindigul.
- 2.The Principal District and Sessions Judge,
Dindigul.
- 3.The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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P.VADAMALAI, J.

VSD

Pre - Delivery Order made in
Tr.C.M.P(MD)No.156 of 2025

05.06.2025