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1

W.A.(MD)NO.2569 OF 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.06.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.2569 of 2024 AND**

**C.M.P.(MD)No.18121 of 2024**

The Deputy General Manager  
(Technical) & Project Director,  
National Highways Authority of India,  
Project Implementation Unit,  
Tiruchirappalli.

... Appellant / Respondent

Vs.

1. V.R.Ravi
2. Sethurathinam
3. Rajagopal
4. Lakshminarayanan
5. Rameshbabu
6. Selvaraj @ Selvam
7. Balachandran
8. A.Lakshmanan
9. Rajasekaran

... Respondents/ Petitioners

- 10.The District Collector cum Arbitrator,  
(National Highways Act),  
National Highways-67,  
Tiruchirappalli.



11. The District Revenue Officer,  
Competent Authority of Land Acquisition(CALA),  
National Highways-67,  
Tiruchirappalli.

... Respondents / Respondents

**Prayer:** Writ Appeal filed under Clause 15 of Letters Patent, to  
set aside the order passed by this Court dated 07.12.2023 made in  
W.P.(MD)No.20252 of 2021.

For Appellant : Mr.P.Karthick

For R-1 to R-9 : Mr.M.Ramu,  
for Mr.Marimuthu.

For R-10 & R-11 : Mr.A.Kannan,  
Additional Government Pleader.

\* \* \*

### **J U D G M E N T**

**(Order of the Court was delivered by G.R.SWAMINATHAN, J.)**

NHAI has filed this writ appeal questioning the order dated  
07.12.2023 made in W.P.(MD)No.20252 of 2021 filed by the private  
respondents herein.

2. The lands of the private respondents herein were acquired  
under the provisions of the National Highways Act, 1956 in the year



2009. The competent authority fixed compensation payable to the

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land owners by passing awards. The private respondents did not file any arbitration petition before the District Collector under Section 3(G)5 of the Act claiming enhancement of compensation. As per the statutory position that then prevailed, a person whose lands were acquired under the provisions of the National Highways Act were not entitled to additional market value, interest or solatium. The validity of Section 3J of the Act was put to challenge and the Hon'ble Supreme Court struck it down in ***Union of India V. Tarsem Singh ((2019) 9 SCC 304)***. Following the said decision, the private respondents herein filed arbitration petition before the District Collector in the year 2020 seeking solatium and interest. The District Collector, Tiruchirappalli vide order dated 15.07.2021 dismissed the petitions on the ground that the petitions were not filed within three years. Challenging the same, the private respondents filed W.P.(MD) No.20252 of 2021. The learned single Judge vide order dated 07.12.2023 held that the decision of the Hon'ble Supreme Court rendered in ***Tarsem Singh*** case will apply to the facts of the case. Paragraph Nos.10 to 12 of the order of the learned single Judge read as follows:-



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“10. The above judgments will squarely apply to the facts of the present case. The solatium and interest forms part of the compensation that is payable to the petitioners. This was not paid, since Section 3J of the National Highways Act, 1956 was in force. After this provision was struck down by the Hon'ble Apex Court, it automatically enures in favour of those persons, who were not paid solatium and interest, since the judgment in Tarsem Singh supra was not given prospective effect.

11. The entitlement of the petitioners for the solatium and interest cannot be deprived on the ground that the claim made is barred by limitation. The petitioners will be entitled for such a claim only after the Hon'ble Apex Court had struck down Section 3J of the National Highways Act, 1956 and there was no occasion for the petitioners to make such a claim when Section 3J of the National Highways Act, 1956 was in force.

12. In view of the above, the impugned proceedings of the first respondent in Land Acquisition Arbitration Case No.(Thiruchirappalli) Appeal No.36/2020 dated 15.07.2021 is hereby set aside. There shall be a



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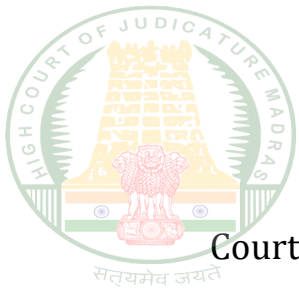


direction to the second respondent to calculate the solatium and interest payable to the petitioners as provided under the Land Acquisition Act, 1894 and the same shall be disbursed to the petitioners within a period of six weeks from the date of receipt of a copy of this order.”

Aggrieved by the same, this writ appeal came to be filed.

3. The learned Standing counsel for NHAI contended that while he will not challenge the entitlement of the private respondents to solatium and interest, his focus is only on the reckoning date and nothing else. He relied on the decision of the Punjab and Haryana High Court made in LPA-4965-2018 and connected cases (***National Highway Authority of India V. Resham Singh***) dated 12.04.2023.

4. Per contra, the learned counsel for the writ petitioners submitted that the writ petitioners cannot be accused of laches. ***Tarsem Singh*** decision was rendered in the year 2019. The writ petitioners had availed the arbitral remedy in the year 2020 itself and therefore, they cannot be accused of delay. He called upon this



Court to sustain the order passed by the learned single Judge and dismiss the writ appeal.

5. We carefully considered the rival contentions and went through the materials on record.

6. In **Resham Singh** case also, the issue was identical. The Punjab and Haryana High Court in the aforesaid decision dated 12.04.2023 held that while the land owners are held entitled to solatium and interest akin to those under Sections 23(2) and 28 of the Land Acquisition Act, 1894, they would not be entitled to interest for the period of delay. In this case also, the private respondents had chosen to keep quiet for close to ten years. They did not challenge the validity of Section 3-J of the Act. Only after the pronouncement of **Tarsem Singh** case, they woke up and moved the District Collector. This petition was filed only on 19.11.2020.

7. Respectfully following the approach adopted by the Punjab and Haryana High Court, we hold that the interest payable to the writ petitioners will be calculated with effect from 19.11.2020 till the date



7

W.A.(MD)NO.2569 OF 2024

of payment. The order passed by the learned single Judge is modified.

This writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)**  
**25<sup>rd</sup> June 2025**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes/ No  
PMU

**To:**

1. The District Collector cum Arbitrator,  
(National Highways Act),  
National Highways-67,  
Tiruchirappalli.
2. The District Revenue Officer,  
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WEB COPY



8

W.A.(MD)NO.2569 OF 2024

**G.R.SWAMINATHAN,J.**

**AND**

**K.RAJASEKAR, J.**

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W.A.(MD)No.2569 of 2024

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