



W.P(MD)No. 17440 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED :27.10.2025

CORAM:

THE HONOURABLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No. 17440 of 2023

C.Durairaj

... Petitioner

Vs

The Arbitrator,
National Highway - 49 (Land Acquisition
Act Section 3G(5))/the District Collector,
Sivagangai District,
Sivagangai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records from the respondent pertaining to the impugned order dated 20.04.2023 in Na.Ka.C1/8677/2021 pending on the file of the respondent set-aside the same and direct the respondent to issue compensation as per the petitioner's representation dated 09.05.2023.

For Petitioner : Mr. N.Tamilmani

For Respondent : Mr.K.Balasubramani
Special Government Pleader

ORDER

An award dated 20.04.2023 is assailed in this petition. The said



W.P(MD)No. 17440 of 2023

award was issued under the National Highways Act, 1956. The said statute provides for the aggrieved person to challenge the arbitral award by way of a petition under Section 34 of the Arbitration and Conciliation Act, 1996 before the jurisdictional District Court.

2. Learned counsel for the petitioner relies on the judgment of the Hon'ble Division Bench of this Court in *Project Director, National Highways Vs. M.Vijayalakshmi* reported in 2021 (1) CTC 34, particularly paragraph 77 thereof, to contend that the deduction of 1/3 towards development charges is contrary to the ratio of the said judgment. Learned counsel contends further that the party should not be made to approach the District Court by a petition under Section 34 when the arbitral award is clearly contrary to the judgment of the Hon'ble Division Bench of this Court.

3. Learned Special Government Pleader points out that the judgment relied upon by learned counsel was issued in relation to a Section 34 order of the District Court.



W.P(MD)No. 17440 of 2023

4. The National Highways Act, 1956, provides that the decision of the District Collector in proceedings challenging the land acquisition award would be treated as an arbitral award and that a person aggrieved should challenge the same by way of a petition under Section 34 of the Arbitration and Conciliation Act, 1996.

5. The petitioner herein has approached this Court *bona fide* in July 2023 challenging an award dated 20.04.2023. In these circumstances, the time spent in prosecuting this petition is liable to be excluded while computing limitation under Section 34 of the Arbitration and Conciliation Act, 1996. With these observations, this Writ Petition is disposed of by leaving it open to the petitioner to file a Section 34 petition. No costs.

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
apd

27.10.2025
(2/2)

Note:

Registry is directed to return the original impugned order to the learned counsel for the petitioner.



W.P(MD)No. 17440 of 2023

To
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National Highway - 49 (Land Acquisition
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Sivagangai District,
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W.P(MD)No. 17440 of 2023

SENTHILKUMAR RAMAMOORTHY.,J.

apd

ORDER MADE IN

W.P(MD)No. 17440 of 2023

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(2/2)