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C.M.A.No.258 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2026

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN
and
THE HONOURABLE MRS. JUSTICE K.GOVINDARAJAN THILAKAVADI

C.M.A.No.258 of 2016

1. T.Govindarajalu Naidu (deceased)
2. G.Murali

... Appellants

Vs.

1. The District Collector/Arbitrator,
Thiruvallur District, Tamil Nadu.
2. The Competent Authority (LA)
NH-4, Chennai-Bangalore Highways,
Thiruvallur Collectorate,
Thiruvallur District, Tamil Nadu.
3. National Highways Authority of India,
Rep. by its Project Director,
In charge of NH4, Thiruvallur District.
Tamil Nadu.

... Respondents

Prayer: This Civil Miscellaneous Appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996, to set aside the fair and decreetal order dated 29.04.2015 in Arb.O.P.No.4 of 2012 passed by the Arbitration Tribunal, Thiruvallur (Principal District Judge at Thiruvallur).

For Appellants : Mr.Vinod Paul Tyagaraj David

For Respondents : Mr.P.Gurunathan for RR1 & 2

Mr.Su.Srinivasan, Standing Counsel for R3 NHAI



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C.M.A.No.____/2016

JUDGMENT

(Judgment of the Court was made by P.VELMURUGAN, J.)

This Civil Miscellaneous Appeal has been filed against the order passed by the learned Principal District Judge, Tiruvallur, in Arbitration Original Petition No.4 of 2012, dated 29.04.2015.

2 The deceased appellant is the owner of the land situated at Nerkundram Village, and his land was acquired for the purpose of expansion of NH4 under the National highways Act, 1956. The competent authority, considering all the relevant factors, fixed the value of the land at Rs.750/- per sq.ft totaling to Rs.10,08,600/-, and Rs.1,00,860/- being 10% appreciation value under Section 3G(2) of the Act and for the lose of structure a sum of Rs.4,83,671/- has been paid to the deceased appellant. Being not satisfied with the compensation, the decased appellant initiated arbitration proceedings and the learned Arbitrator, finding the compensation fixed by the competent authority is reasonable, confirmed the same. Aggrieved by the same, appellant/land owner filed a petition under Section 34(2) of the Arbitration and Conciliation Act, 1996 (in short “the Act”), before the learned Principal District Judge, Tiruvallur, in Arb.O.P.No.4 of 2012.

3 The learned Principal District Judge, Tiruvallur, after hearing both the parties, vide order dated 29.04.2015, dismissed the Arbitration Original Petition



C.M.A.No.____/____

observing that the compensation granted by the Tribunal is just and fair.

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4 Challenging the said order, the land owner is before this Court with this Civil Miscellaneous Appeal under Section 37 of the Act.

5 According to learned counsel for the appellant, severance compensation has not been awarded for the building existed in the land under Section 3G(7(b) of National Highways Act, 1956 (in short 'NH Act'), which mandates, the competent authority, while determining the compensation must consider the damages sustained by the landowner due to the severance of acquired land and there is no discussion on the same, while passing the Award by the learned Arbitrator viz. the first respondent. The Section 34 Court also not passed any orders on the same and the documents produced by the appellant has not been considered.

6 It is the contention of the learned Additional Government Pleader for respondents 1 and 2, the competent authority, after considering the relevant documents and facts and the assessment report furnished by the Assistant Divisional Engineer, National High Ways, Chennai, fixed the land value at Rs.750/- per sq.ft and for the structure Rs.4,83,671/- has been paid. The appellant, relying on certain sale deeds and the Valuation Report of the consulting engineer for the lands, which are far from the acquired lands, sought enhancement of compensation. Hence the learned Arbitrator rejected the grounds raised by the appellant and the Section 34 Court also considered the



same and upheld the Award, which does not call for any interference of this Court.

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7 Heard the learned counsel on either side and perused the materials available on record.

8 The appellant's land was acquired for the purpose of extension of NH4 at Nerkundram Village under the National Highways Act and the competent authority fixed the compensation for the land at Rs.10,08,600/-, and Rs.1,00,860/- being 10% appreciation value under Section 3G(2) of NH Act and for the loss of structure a sum of Rs.4,83,671/- has been granted. Being not satisfied with the quantum of compensation, the appellant initiated arbitration proceedings and the learned Arbitrator rejected the claim of the appellant, against which, he filed a petition under Section 34(2) of the Arbitration and Conciliation Act. The Section 34 Court also rejected the claim of the appellant upholding the decision of the learned Arbitrator, against which, the appellant is now before this Court.

9 The main ground taken by the appellant for enhancement of compensation is that severance compensation has not been awarded for the building in the land acquired and the documents produced by the appellant has not been considered.

10 It is seen that the documents viz. certain sale deeds and the valuation report of the consulting engineer produced by the appellants for the lands, which are situated far from the land acquired, are not brought before the competent authority and



C.M.A.No.____/2016

further which are all after the completion of acquisition proceedings. Hence the learned Arbitrator rejected the same.

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11 Section 34 Court also after analysing all the available materials confirmed the decision of the learned Arbitrator. While deciding the petition under Section 37 of the Act, this Court cannot sit as an appellate Court and revisit the evidence and find fault in the factual findings rendered by the learned Arbitrator, which is barred under the Act. Further this Court, cannot interfere with the order of the Section 34 Court, unless there exists patent illegality or opposed to public policy.

12 A careful reading of the order of the competent authority, the Award of the Arbitrator and the order of the Section 34 Court, this Court does not find any patent illegality warranting interference of this Court under Section 37 of the Arbitration and Conciliation Act.

13 Accordingly, this Civil Miscellaneous Appeal stands dismissed. No costs.

[PVJ]

[KGTJ]

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Neutral Citation : Yes/No
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To

The Principal District Judge, Thiruvallur.



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