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C.M.A.No.3

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.3414 of 2021

Elumalai Achari (died)

1. E.Saraswathi
2. E.Sivakumar
3. K.E.Balaji
4. P.Sasikala

... Appellants

(Appellants 1 to 4 were brought on record as LR's of the deceased appellant vide order of this Court dated 22.10.2021 in C.M.P.No.16969 of 2021)

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 decretal order dated 29.04.2015 in Arb.O.P.No.44 of 2015 passed by the learned Principal District Judge at Thiruvallur.



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For Appellant : Mr.Vinod Paul Tyagaraj David
For Respondents : Mr.P.Gurunathan for RR1 & 2
Mr.Su.Srinivasan, Standing Counsel for R3 NHAI

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, Thiruvallur, in Arbitration Original Petition No.44 of 2015, dated 29.04.2015.

2 The appellant is the owner of the land in Survey No.8/1A part 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 and totally Rs.2,39,644/- has been fixed as compensation for the land acquired from the appellant. Being not satisfied with the compensation, the 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.44 of 2015 on the ground that severance compensation has not been awarded for the building.



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3 The learned Principal District Judge, Tiruvallur, after hearing both the parties, vide order dated 29.04.2015, dismissed the Arbitration Original Petition observing that the appellant/land owner has not filed any document to show that on the date of 3A(1) notification, there was building in the land under acquisition.

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, 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 on that account itself the Award is liable to be set aside.

6 It is the contention of the learned Additional Government Pleader for respondents 1 and 2, the appellant has not come forward with any document to prove his claim that there was building in the land at the time of acquisition. 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 compensation at Rs.2,39,644/-. 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 at the time of notification under Section 3A(1), the appellant has not claimed anything about the building alleged to have existed in the land and the appellant has not let in any oral or documentary evidence to prove his claim that at the time of notification under Section 3A(1) there was building and he produced only report of a private engineer that too after the notification under Section 3A(1) and 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. Now this court, while deciding the petition under Section 37 of the Arbitration and Conciliation Act, cannot interfere with the order of the Section 34 Court, unless there exists patent illegality.

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]

01.04.2026

(1/5)

Neutral Citation : Yes/No
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To

The Principal District Judge, Thiruvallur.



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