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CMA No. 2459 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-04-2026

CORAM

THE HON'BLE MR JUSTICE P. VELMURUGAN

AND

THE HON'BLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

CMA No. 2459 of 2021

Chakkaravarthi
S/o. Manickam Chettiyar,
No.49/46, Desurpattai Road, Krishnapuram,
Gingee Town – 604 602. Villupuram District.

..Appellant(s)

Vs

1. National High Ways Authority Of India
Rep By Its Project Director, Villupuram.
2. The Arbitrator / Collector
Land Acquisition (NH-66) Villupuram
3. The Competent Authority (land Acquisition)
Special District Revenue Officer, National
Highways, Villupuram.
4. The Special Tahsildar (Land Acquisition)
National Highways, Villupuram

..Respondent(s)

Civil Miscellaneous Appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996, to set aside the Fair and Decretal Order dated 10.03.2021 made in Arbitration O.P.No.13 of 2019, on the file of Principal District Judge, Villupuram.

For Appellant(s):

Mr. P.Dinesh Kumar

For Respondent(s):

Mr.SU.Srinivasan,
Standing Counsel for NHAI for R1
Mr. P.Gurunathan, AGP for R2 to R4



JUDGMENT

(Judgment of the Court was delivered by P.Velmurugan J.)

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This Civil Miscellaneous Appeal has been filed to set aside the fair and decretal Order dated 10.03.2021 made in Arbitration O.P.No.13 of 2019, on the file of Principal District Judge, Villupuram.

2. Heard both sides and perused the materials available on record.

3. The learned counsel for the appellant submitted that the appellant's property was acquired additionally and there was about 1½ years between the earlier acquisition and the additional acquisition. However, the competent authority fixed the earlier market value for the additional acquisition. The learned Arbitrator also failed to consider the period of difference between the additional acquisition and the earlier acquisition and fixed the same market value for the subsequent acquisition. Further, the Arbitrator has not awarded the solatium and interest, which are statutory benefits of the land losers. Therefore, the award passed by the Arbitrator is perverse and suffers from patent illegality. When the same was challenged before the learned Principal District Judge, Villupuram, the learned Judge failed to consider the same and simply endorsed the views of Arbitrator and dismissed the same by confirming the award passed by the Arbitrator. Therefore, the order passed by the learned Principal District Judge is liable to be set aside. The learned counsel however submitted that since the provision of law was under review before the Court of law at the relevant



point of time, the Arbitrator did not award the solatium and interest.

4. The learned Additional Government Pleader for the respondents 2 to 4 and the learned Standing Counsel for NHAI appearing for the 1st respondent fairly conceded that the Arbitrator while awarding the compensation did not consider the solatium and interest since the provision of law was under challenge before the Court of law at the relevant point of time.

5. This Court holds that the land losers are entitled to the statutory benefits, as the law is well settled now. Therefore, the award passed by the Arbitrator suffers with patent illegality. The learned Principal District Judge, while passing the order invoking Section 34 of the Arbitration and Conciliation Act (herein after “said Act”), has failed to consider that the land loser was not awarded with the solatium and interest. Therefore, the order passed by the learned Principal District Judge is perverse and the same is liable to be set aside. Though this Court cannot sit as an appellate authority and re-appreciate the evidence while exercising its power under Section 37 of the said Act, this Court finds that the award passed by the Arbitrator suffers from patent illegality.

6. Therefore, the order passed by the learned Principal District Judge, Villupuram, in Arbitration O.P.No.13 of 2019 dated 10.03.2021 by confirming the award passed by the Arbitrator, is set aside and the matter is remitted back to Arbitrator.

7. The Arbitrator is directed to give opportunity to both the parties and conduct enquiry in the manner known to law and decide the matter on merits



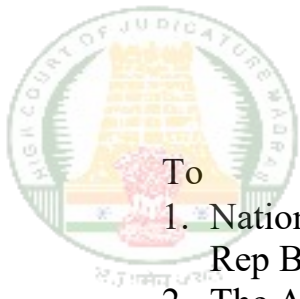
and in accordance with law within a period of four months from the date of receipt of a copy of this order. The parties are also directed to take all their grievance and defence before the Arbitrator.

10. With the above observation and directions, this Civil Miscellaneous Appeal is allowed. No costs.

(P.V.,J.) (K.G.T.,J.)
01-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KSA-2



To

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**P.VELMURUGAN, J.
AND
K.GOVINDARAJAN THILAKAVADI, J.**

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