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W.P.(MD)Nos.9137 and 9138 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :10.02.2026

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THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.(MD)Nos.9137 and 9138 of 2025

Joseph Ligorì

... Petitioner(s)
in both WPs

Vs.

1. The Arbitrator Cum District,
Collector, Kanyakumari District,
Nagercoil.

2. The Competent Authority And
District Revenue Officer,
Land Acquisition National Highways,
Tirunelveli @ Nagercoil,
Kanyakumari District.

3. The Project Director Cum DGM (Tech),
No.314E, K.P.Road,
Near Ayappan Kovil,
Parvathipuram,
Nagercoil - 629003,
Kanyakumari District.

... Respondents
in both WPs

COMMON PRAYER : Petitions filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to pass orders on the appeal dated 27.04.2024 filed under Section 3(G)5 of National Highways Act, 1956 by



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initiating Arbitration Proceedings for re-fixation of compensation, determined in the Award Nos.6 and 7 of 2015 dated 20.08.2018, 10.09.2018 and 29.10.2018, respectively.

For Petitioner :M/s. G.Justin (in both writ petitions)
For Respondents :Mr.B.Ramanathan
Addl. Government Pleader for R1 and R2
Mr.Su.Srinivasan
Standing Counsel for NHAI/R3 (in both WPs)

COMMON ORDER

These writ petitions have been filed for the issuance of a Writ of Mandamus, directing the first respondent to pass orders on the appeal dated 27.04.2024 filed under Section 3G(5) of the National Highways Act, 1956, by initiating arbitration proceedings for re-fixation of the compensation determined Award Nos.6 and 7 of 2015 dated 20.08.2018, 10.09.2018 and 29.10.2018, respectively.

2. Heard the learned counsel for the parties and perused the materials available on record.

3. The main ground urged by the learned counsel for the petitioner is that the compensation paid to the petitioner has to be calculated with



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reference to the date of notification issued under Section 3A of the Act.

In the present case, the notification was issued on 09.04.2010. However, at the time of passing the arbitral award, the relevant date was taken as 01.04.2012.

4. The learned counsel for the petitioner further submitted that under Section 3G(7)(a), while determining compensation, the competent authority or arbitrator shall take into consideration the market value of the land on the date of publication of the notification. According to him, the compensation ought to have been fixed with reference to 09.04.2010 instead of 01.04.2012.

5. When this Court questioned the learned counsel for the petitioner regarding the fixation of compensation, he fairly submitted that the petitioner had, in fact, received higher compensation on the basis of the determination as on 01.04.2012. If the date had been fixed as 09.04.2010, the compensation payable would have been lesser.

6. The learned Standing Counsel appearing for the third respondent submitted that the petitioner had repeatedly submitted representations for



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the very same cause of action. The grievances raised earlier were duly considered and the representations as well as the appeal were disposed of. Accordingly, the compensation was determined for the subject property.

7. In view of the above, this Court finds no merit in the writ petition. The petitioner has admittedly received higher compensation based on the valuation as on 01.04.2012. As such, the question of interfering with the arbitral award passed by the first respondent does not arise. Accordingly, these writ petitions stand dismissed. No costs.

(K.SURENDER, J)
10.02.2026

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
PKN



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