



W.P.(MD)No.18366 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2026

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.18366 of 2022
and WMP.(MD).No.12274 of 2022

C.Christabel Beulah

... Petitioner

Vs.

1. The Union of India,
Represented by its Secretary to Government,
Ministry of Road Transport and High Ways,
New Delhi.
2. The Project Director,
National Highways Authority of India,
Kanyakumari District.
3. The Special District Revenue Officer, (L/A -N.H)
Tirunelveli with Headquarters,
at Nagercoil.
- 4.The District Collector,
Kanyakumari District,
Kanyakumari.
5. The Special Thasildhar (L.A-N.H) Division 01,
Valliyoor,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to pay the enhanced compensation awarded to the petitioner by the order of the 4th respondent dated 15.12.2020 and direct the respondents to pay interest at the rate of 9 % p.a from the date of taking possession of the land within a time period to be stipulated by this Court.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.D.Gandhiraj
Special Government Pleader (R3 to R5)

Mr.Su.Srinivasan
Standing counsel (R2)

ORDER

The Writ Petition has been filed to direct the respondents to pay the enhanced compensation awarded to the petitioner by the order of the 4th respondent dated 15.12.2020 and direct the respondents to pay interest at the rate of 9 % p.a from the date of taking possession of the land within a time period to be stipulated by this Court.



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2. Admittedly, the petitioner was granted compensation amount.

Being aggrieved by the same, the petitioner preferred a petition before the Arbitral Tribunal, which resulted in enhancement of the compensation amount. The petitioner now seeks a direction for payment of the enhanced amount.

3. The learned Standing counsel appearing for 2nd respondent submitted that, for enforcement of the enhanced amount, the petitioner ought to seek the remedy contemplated under Section 36 of the Arbitration and Conciliation Act, 1996, where the petitioner ought to file an Execution Petition before the competent District Court. The relevant provision is extracted hereunder:-

"Where the time for making an application to set aside the arbitral award under section 34 has expired, then, subject to the provisions of sub-section (2), such award shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were a decree of the court."



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4. The learned counsel for the petitioner relied upon the order dated 27.08.2020 passed in W.P.(MD) No.26019 of 2019. Conversely, the learned Standing counsel appearing for 2nd respondent placed reliance on the orders in W.P.(MD) Nos.19989 of 2022 dated 26.08.2022; W.P.(MD) Nos.14045, 14395, 14408, 14314, 14367 & 14382 of 2020 dated 28.03.2023; and W.P.(MD) Nos.32512, 32691 & 32702 of 2022 dated 05.12.2022.

5. In the aforesaid decisions, Section 36 of the Arbitration and Conciliation Act, 1996 has been elaborately considered, holding that enforcement of an Arbitral award must be pursued through execution proceedings before the competent court. In contrast, the order in W.P. (MD) No.26019 of 2019 does not advert to Section 36, and therefore, cannot be relied upon.

6. Further reliance was placed on the judgment of the Hon'ble Supreme Court in *National Highways Authority of India vs. Sheetal Jaidev Vade & Ors.*, reported in 2022 LiveLaw (SC) 705, wherein a



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direction was issued to deposit 50% of the Arbitral award amount. However, the said judgment arose in a different factual context wherein the National Highways Authority had preferred an appeal. Hence in order to entertain the petition National Highways Authority was directed to deposit the amount . Hence, the said Judgement is not applicable to the present case.

7. In such circumstances, the petitioner is directed to approach the competent District Court by filing an execution petition for enforcement of the Arbitral award. In view of the above, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

23.03.2026

Index : Yes / No
Internet : Yes
NCC : Yes / No
msrm



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Kanyakumari.
5. The Special Thasildhar (L.A-N.H) Division 01,
Valliyoor,
Tirunelveli District.
6. The Special Government Pleader,
Madurai Bench of Madras High Court,
Madurai



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S.SRIMATHY, J

msrm

**Order made in
W.P.(MD)No.18366 of 2022
and WMP.(MD).No.12274 of 2022**

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