IN THE COURT OF THE PRINCIPAL DISTRICT JUDGE, TIRUPPUR

PRESENT: Thiru. Swarnam J. Natarajan M.L.,
Principal District Judge, Tiruppur

Friday, the 24th day of November, 2023
Thiruvalluvarandu 2054, Sobakiruthu year, 08th day of Karthigai month

AOP No. 81/2022 (CNR No. TNTI180026602022), AOP.No. 82/2022 (CNR No. TNTI180026612022),
AOP No. 85/2022 (CNR No. TNTI180029832022), AOP.No. 86/2022 (CNR No. TNTI180029812022),
AOP No. 87/2022 (CNR No. TNTI180029872022), AOP.No. 89/2022 (CNR No. TNTI180029842022),
AOP No. 90/2022 (CNR No. TNTI180029782022), AOP No. 91/2022 (CNR No. TNTI180029822022),
AOP No. 92/2022 (CNR No. TNTI180029802022), AOP No. 93/2022 (CNR No. TNTI180029862022),
AOP No. 94/2022 (CNR No. TNTI180029772022), AOP.No. 95/2022 (CNR No. TNTI180029792022),
AOP No. 97/2022 (CNR No. TNTI180030822022), AOP.No. 98/2022 (CNR No. TNTI180030802022),
AOP No. 99/2022 (CNR No. TNTI180030792022), AOP.No. 100/2022 (CNR No. TNTI180030782022),
AOP No. 101/2022 (CNR No. TNTI180030812022), AOP.No. 102/2022 (CNR No. TNTI180030772022),
AOP No. 103/2022 (CNR No. TNTI180030762022 AOP.No. 123/2022 (CNR No. TNTI180037632022),
AOP No. 124/2022 (CNR No. TNTI180037682022), AOP.No. 125/2022 (CNR No. TNTI180037652022),
AOP No. 126/2022 (CNR No. TNTI180037642022), AOP.No. 127/2022 (CNR No. TNTI180037662022),
AOP No. 128/2022 (CNR No. TNTI180037702022), AOP.No. 130/2022 (CNR No. TNTI180037672022),
AOP No. 131/2022 (CNR No. TNTI180037722022), AOP.No. 132/2022 (CNR No. TNTI180037732022),
AOP No. 133/2022 (CNR No. TNTI180037712022), AOP.No. 134/2022 (CNR No. TNTI180037812022),
AOP No. 136/2022 (CNR No. TNTI180037772022), AOP.No. 137/2022 (CNR No. TNTI180037752022),
AOP No. 138/2022 (CNR No. TNTI180037822022), AOP.No. 139/2022 (CNR No. TNTI180037802022),
AOP No. 140/2022 (CNR No. TNTI180037762022), AOP.No. 141/2022 (CNR No. TNTI180037742022),
AOP No. 142/2022 (CNR No. TNTI180037782022), AOP.No. 150/2022 (CNR No. TNTI180039412022),
AOP No. 151/2022 (CNR No. TNTI180039402022), AOP.No. 152/2022 (CNR No. TNTI180039392022),
AOP No. 153/2022 (CNR No. TNTI180039302022), AOP.No. 154/2022 (CNR No. TNTI180039382022),
AOP No. 155/2022 (CNR No. TNTI180039362022), AOP.No. 159/2022 (CNR No. TNTI180039322022),
AOP No. 160/2022 (CNR No. TNTI180039442022), AOP.No. 161/2022 (CNR No. TNTI180039432022),
AOP No. 162/2022 (CNR No. TNTI180039422022), AOP.No. 163/2022 (CNR No. TNTI180039372022),
AOP No. 164/2022 (CNR No. TNTI180039342022), AOP.No. 165/2022 (CNR No. TNTI180039332022),
AOP No. 166/2022 (CNR No. TNTI180039312022), AOP.No. 174/2022 (CNR No. TNTI180042292022),
AOP No. 175/2022 (CNR No. TNTI180042252022), AOP.No. 176/2022 (CNR No. TNTI180042362022),

AOP No. 178/2022 (CNR No. TNTI180042312022), AOP.No. 179/2022 (CNR No. TNTI180042242022), AOP No. 180/2022 (CNR No. TNTI180042342022), AOP.No. 181/2022 (CNR No. TNTI180042232022), AOP No. 182/2022 (CNR No. TNTI180042432022), AOP.No. 184/2022 (CNR No. TNTI180042462022), AOP No. 185/2022 (CNR No. TNTI180042322022), AOP.No. 186/2022 (CNR No. TNTI180042412022), AOP No. 187/2022 (CNR No. TNTI180042392022), AOP.No. 188/2022 (CNR No. TNTI180042262022), AOP No. 189/2022 (CNR No. TNTI180042332022), AOP.No. 190/2022 (CNR No. TNTI180042492022), AOP No. 191/2022 (CNR No. TNTI180042502022), AOP.No. 192/2022 (CNR No. TNTI180042512022), AOP No. 194/2022 (CNR No. TNTI180042442022), AOP.No. 195/2022 (CNR No. TNTI180042382022), AOP No. 196/2022 (CNR No. TNTI180042372022), AOP.No. 197/2022 (CNR No. TNTI180042272022), AOP No. 199/2022 (CNR No. TNTI180042452022), AOP.No. 200/2022 (CNR No. TNTI180042482022), AOP No. 201/2022 (CNR No. TNTI180042302022), AOP.No. 202/2022 (CNR No. TNTI180042422022), AOP No. 203/2022 (CNR No. TNTI180042212022), AOP.No. 204/2022 (CNR No. TNTI180042352022), AOP No. 205/2022 (CNR No. TNTI180042222022), AOP.No. 211/2022 (CNR No. TNTI180042992022), AOP No. 212/2022 (CNR No. TNTI180043002022), AOP.No. 213/2022 (CNR No. TNTI180043022022), AOP No. 214/2022 (CNR No. TNTI180043032022), AOP.No. 215/2022 (CNR No. TNTI180043042022), AOP No. 216/2022 (CNR No. TNTI180043052022), AOP.No. 217/2022 (CNR No. TNTI180043062022), AOP No. 218/2022 (CNR No. TNTI180043072022), AOP.No. 220/2022 (CNR No. TNTI180043092022), AOP No. 221/2022 (CNR No. TNTI180043102022), AOP.No. 222/2022 (CNR No. TNTI180043112022), AOP No. 223/2022 (CNR No. TNTI180043122022), AOP.No. 224/2022 (CNR No. TNTI180043132022), AOP No. 225/2022 (CNR No. TNTI180043142022), AOP.No. 226/2022 (CNR No. TNTI180043152022), AOP No. 227/2022 (CNR No. TNTI180043162022), AOP.No. 237/2022 (CNR No. TNTI180044842022), AOP No. 238/2022 (CNR No. TNTI180044752022), AOP.No. 239/2022 (CNR No. TNTI180044692022), AOP No. 240/2022 (CNR No. TNTI180044742022), AOP.No. 242/2022 (CNR No. TNTI180044762022), AOP No. 243/2022 (CNR No. TNTI180044722022), AOP.No. 244/2022 (CNR No. TNTI180044702022), AOP No. 245/2022 (CNR No. TNTI180044662022), AOP.No. 246/2022 (CNR No. TNTI180044652022), AOP No. 247/2022 (CNR No. TNTI180044632022), AOP.No. 248/2022 (CNR No. TNTI180044672022), AOP No. 249/2022 (CNR No. TNTI180044682022), AOP.No. 250/2022 (CNR No. TNTI180044642022), AOP No. 251/2022 (CNR No. TNTI180044712022), AOP.No. 261/2022 (CNR No. TNTI180046782022), AOP No. 262/2022 (CNR No. TNTI180046772022), AOP.No. 263/2022 (CNR No. TNTI180046762022), AOP No. 264/2022 (CNR No. TNTI180046792022), AOP.No. 265/2022 (CNR No. TNTI180046692022), AOP No. 266/2022 (CNR No. TNTI180046812022), AOP.No. 267/2022 (CNR No. TNTI180046802022), AOP No. 268/2022 (CNR No. TNTI180046592022), AOP.No. 269/2022 (CNR No. TNTI180046622022), AOP No. 270/2022 (CNR No. TNTI180046642022), AOP.No. 271/2022 (CNR No. TNTI180046632022), AOP No. 272/2022 (CNR No. TNTI180046612022), AOP.No. 273/2022 (CNR No. TNTI180046602022),

AOP No. 274/2022 (CNR No. TNTI180046682022), AOP.No. 275/2022 (CNR No. TNTI180046662022),
AOP No. 276/2022 (CNR No. TNTI180046652022), AOP.No. 277/2022 (CNR No. TNTI180046672022),
AOP No. 278/2022 (CNR No. TNTI180046752022), AOP.No. 279/2022 (CNR No. TNTI180046712022),
AOP No. 280/2022 (CNR No. TNTI180046702022), AOP.No. 281/2022 (CNR No. TNTI180046742022),
AOP No. 282/2022 (CNR No. TNTI180046732022), AOP.No. 283/2022 (CNR No. TNTI180046722022),
AOP No. 1 / 2023 (CNR No. TNTI180000472023), AOP.No. 2 / 2023 (CNR No. TNTI180000462023),
AOP No. 3 / 2023 (CNR No. TNTI180000442023), AOP.No. 4 / 2023 (CNR No. TNTI180000312023),
AOP No. 5 / 2023 (CNR No. TNTI180000212023), AOP.No. 6 / 2023 (CNR No. TNTI180000542023),
AOP No. 7 / 2023 (CNR No. TNTI180000532023), AOP.No. 8 / 2023 (CNR No. TNTI180000522023),
AOP No. 9 / 2023 (CNR No. TNTI180000512023), AOP.No. 10/2023 (CNR No. TNTI180000492023),
AOP No. 12/2023 (CNR No. TNTI180000552023), AOP.No. 14/2023 (CNR No. TNTI180000502023),
AOP No. 15/2023 (CNR No. TNTI180000482023), AOP.No. 16/2023 (CNR No. TNTI180000342023),
AOP No. 17/2023 (CNR No. TNTI180000332023), AOP.No. 18/2023 (CNR No. TNTI180000322023),
AOP No. 19/2023 (CNR No. TNTI180000402023), AOP.No. 20/2023 (CNR No. TNTI180000372023),
AOP No. 21/2023 (CNR No. TNTI180000362023), AOP.No. 22/2023 (CNR No. TNTI180000422023),
AOP No. 23/2023 (CNR No. TNTI180000392023), AOP.No. 24/2023 (CNR No. TNTI180000382023),
AOP No. 25/2023 (CNR No. TNTI180000352023), AOP.No. 26/2023 (CNR No. TNTI180000412023),
AOP No. 27/2023 (CNR No. TNTI180000432023), AOP.No. 28/2023 (CNR No. TNTI180000302023),
AOP No. 29/2023 (CNR No. TNTI180000292023), AOP.No. 31/2023 (CNR No. TNTI180000272023),
AOP No. 32/2023 (CNR No. TNTI180000262023), AOP.No. 35/2023 (CNR No. TNTI180000202023),
AOP No. 36/2023 (CNR No. TNTI180000192023), AOP.No. 37/2023 (CNR No. TNTI180000182023),
AOP No. 38/2023 (CNR No. TNTI180000242023), AOP.No. 39/2023 (CNR No. TNTI180000232023),
AOP No. 40/2023 (CNR No. TNTI180000452023), AOP.No. 41/2023 (CNR No. TNTI180000172023),
AOP No. 47/2023 (CNR No. TNTI180002522023), AOP.No. 48/2023 (CNR No. TNTI180002512023),
AOP No. 49/2023 (CNR No. TNTI180002462023), AOP.No. 50/2023 (CNR No. TNTI180002392023),
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AOP No. 53/2023 (CNR No. TNTI180002412023), AOP.No. 54/2023 (CNR No. TNTI180002382023),
AOP No. 55/2023 (CNR No. TNTI180002362023), AOP.No. 56/2023 (CNR No. TNTI180002332023),
AOP No. 57/2023 (CNR No. TNTI180002322023), AOP.No. 58/2023 (CNR No. TNTI180002232023),
AOP No. 59/2023 (CNR No. TNTI180002242023), AOP.No. 60/2023 (CNR No. TNTI180002192023),
AOP No. 61/2023 (CNR No. TNTI180002182023), AOP.No. 62/2023 (CNR No. TNTI180002212023),
AOP No. 63/2023 (CNR No. TNTI180002202023), AOP.No. 64/2023 (CNR No. TNTI180002502023),
AOP No. 65/2023 (CNR No. TNTI180002492023), AOP.No. 66/2023 (CNR No. TNTI180002482023),
AOP No. 67/2023 (CNR No. TNTI180002342023), AOP.No. 68/2023 (CNR No. TNTI180002312023),

AOP No.	**69/2023**	**(CNR No.**	**TNTI180002272023**),	**AOP.No.**	**70/2023**	**(CNR No.**	**TNTI180002172023),**
AOP No.	**71/2023**	**(CNR No.**	**TNTI180002162023**),	**AOP.No.**	**72/2023**	**(CNR No.**	**TNTI180002152023),**
AOP No.	**73/2023**	**(CNR No.**	**TNTI180002142023**),	**AOP.No.**	**83/2023**	**(CNR No.**	**TNTI180004692023),**
AOP No.	**84/2023**	**(CNR No.**	**TNTI180004682023**),	**AOP.No.**	**85/2023**	**(CNR No.**	**TNTI180004652023),**
AOP No.	**86/2023**	**(CNR No.**	**TNTI180004672023**),	**AOP.No.**	**87/2023**	**(CNR No.**	**TNTI180004632023),**
AOP No.	**88/2023**	**(CNR No.**	**TNTI180004642023**),	**AOP.No.**	**89/2023**	**(CNR No.**	**TNTI180004622023),**
AOP No.	**90/2023**	**(CNR No.**	**TNTI180004662023**),	**AOP.No.**	**102/2023**	**(CNR No.**	**TNTI180008162023),**
AOP No.	**103/2023**	**(CNR No.**	**TNTI180008152023**),	**AOP.No.**	**104/2023**	**(CNR No.**	**TNTI180008142023),**
AOP No.	**124/2023**	**(CNR No.**	**TNTI180013182023**),	**AOP.No.**	**132/2023**	**(CNR No.**	**TNTI180017842023),**

And **AOP No.** **133/2023** **(CNR No.TNTI180017832023).**

(***) Amended as per Order in I.A.No.01/2024 in AOP No.282/2022, dated 03.02.2024 vide page No.4a.

SWARNAM J NATARAJAN
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Date: 2024.02.03 19:14:20 +05'30'

PDJ., Tiruppur

DGM (T) & Project Director
National Highways Authority of India
PIU Coimbatore
No.11/1, Kongu Nagar East,
Back side of Appasamy Apartments,
Ramanathapuram, Coimbatore – 641 045

.. Petitioner in ~~all~~ other O.Ps.

Vs.

1. The District Collector and Sole Arbitrator (LA)
   Palladam Road, Tiruppur, Tiruppur District.

2. The Competent Authority and
   Special District Revenue Officer (LA),
   NH-47, Coimbatore.

... Respondents 1 and 2 in ~~all~~ other O.Ps.

<u>Other respondents' names in all OPs.</u>

P.Rangaraj	...	3rd respondent in	AOP No.	81/2022
N.Sarasu	...	3rd respondent in	AOP No.	82/2022
N.Sivaraman	...	3rd respondent in	AOP No.	85/2022
G.Sathishselvakumar	...	3rd respondent in	AOP No.	86/2022

(***)

The Deputy General Manager & Project Director,
National Highways Authority of India,
Project Implementation Unit (NS),
Door No.212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem – 636 004.

… Petitioner in AOP Nos. 282/2022, 01/2023, 02/2023, 05/2023, 07/2023 to 10/2023, 14/2023, 17/2023, 20/2023, 24/2023, 25/2023, 31/2023, 35/2023, 36/2023, 57/2023 to 59/2023, 61/2023 to 63/2023, 66/2023, 70/2023, 72/2023, 73/2023, 88/2023, 124/2023 and 132/2023.

Vs.

1. The Arbitrator / District Collector, Tiruppur.
2. The Competent Authority & District Revenue Officer (LA), Tiruppur.

… Petitioner in AOP Nos. 282/2022, 01/2023, 02/2023, 05/2023, 07/2023 to 10/2023, 14/2023, 17/2023, 20/2023, 24/2023, 25/2023, 31/2023, 35/2023, 36/2023, 57/2023 to 59/2023, 61/2023 to 63/2023, 66/2023, 70/2023, 72/2023, 73/2023, 88/2023, 124/2023 and 132/2023.

(***)

The name of the petitioner and the respondents 1 and 2 in all OPs are amended and mentioned in separate sheet i.e., page No.4a as per the order of I.A.No.01/2024 in AOP No.282/2022, dated 03.02.2024.

SWARNAM J NATARAJAN
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Date: 2024.02.03 19:15:05 +05'30'

Principal District Judge,
Tiruppur.

Dated:24.11.2023 Principal District Court, Tiruppur.

V.R.Karuppusamy	... 3rd respondent in	AOP No.	87/2022
V.R.Karuppusamy	... 3rd respondent in	AOP No.	89/2022
R.Kannaiyan	... 3rd respondent in	AOP No.	90/2022
Kuppusamy	... 3rd respondent in	AOP No.	91/2022
Angathal	... 3rd respondent		
Senthilkumar	... 4th respondent		
Yuvaraj	... 5th respondent	AOP No	.92/2022
S.Ramasamy	... 3rd respondent in	AOP No.	93/2022
G.Panneerselvam	... 3rd respondent in	AOP No.	94/2022
A.A.M.Sivasamy	... 3rd respondent in	AOP No.	95/2022
Nachimuthu	... 3rd respondent in	AOP No.	97/2022
K.Shanmugam	... 3rd respondent in	AOP No.	98/2022
R.Subramaniam	... 3rd respondent in	AOP No.	99/2022
R.Armuga gounder	... 3rd respondent in	AOP No.	100/2022
K.Ponnusamy	... 3rd respondent in	AOP No.	101/2022
Karuppusamy	... 3rd respondent in	AOP No.	102/2022
N.Muthusamy	... 3rd respondent in	AOP No.	103/2022
S.Kesavan	... 3rd respondent in	AOP No.	123/2022
Kavitha	... 3rd respondent in	AOP No.	124/2022
Angeeswari	... 3rd respondent in	AOP No.	125/2022
Subbulakshmi	... 3rd respondent in	AOP No.	126/2022
Nagarajan	... 3rd respondent in	AOP No.	127/2022
V.R.Muthusamy	... 3rd respondent in	AOP No.	128/2022
S.M.Sreenivasan	... 3rd respondent in	AOP No.	130/2022
Kanmani	... 3rd respondent in	AOP No.	131/2022
K.Viswanathan	... 3rd respondent in	AOP No.	132/2022
K.Palanisamy	... 3rd respondent in	AOP No.	133/2022
Velliyangiri	... 3rd respondent in	AOP No.	134/2022

V.Chinnappa gounder	...	3rd respondent in	AOP No.	136/2022
Senthikumar	...	3rd respondent in	AOP No.	137/2022
Murugesan	...	3rd respondent in	AOP No.	138/2022
Sundaravadivel	...	3rd respondent in	AOP No.	139/2022
M.Gunasekaran	...	3rd respondent in	AOP No.	140/2022
R.Selvaraj	...	3rd respondent in	AOP No.	141/2022
Shanmugam	...	3rd respondent in	AOP No.	142/2022
A.Selvaraj	...	3rd respondent in	AOP No.	150/2022
C.Selvaraj	...	3rd respondent in	AOP No.	151/2022
Parameswaran	...	3rd respondent in	AOP No.	152/2022
K.Muthusamy	...	3rd respondent in	AOP No.	153/2022
Palanathal	...	3rd respondent in	AOP No.	154/2022
Arunachalam	...	3rd respondent in	AOP No.	155/2022
P.Tamil Ohli	...	3rd respondent in	AOP No.	159/2022
Palanisamy	...	3rd respondent in	AOP No.	160/2022
Vijayasamundeeswari	...	3rd respondent in	AOP No.	161/2022
Viswanathan	...	3rd respondent in	AOP No.	162/2022
Sarojini	...	3rd respondent in	AOP No.	163/2022
Sivagami	...	3rd respondent in	AOP No.	164/2022
Vaiyapuriappan	...	3rd respondent in	AOP No.	165/2022
Sreedhar	...	3rd respondent in	AOP No.	166/2022
S.Selvaraj	...	3rd respondent in	AOP No.	174/2022
K.Kamalam	...	3rd respondent in	AOP No.	175/2022
Karthik	...	3rd respondent in	AOP No.	176/2022
P.T.Parijatham	...	3rd respondent in	AOP No.	178/2022
Kumarasamy	...	3rd respondent in	AOP No.	179/2022
Jayakumar	...	3rd respondent in	AOP No.	180/2022
Ravi	...	3rd respondent in	AOP No.	181/2022

Rasappa Gounder	...	3rd respondent in	AOP No.	182/2022
Thangavel	...	3rd respondent in	AOP No.	184/2022
Ravikumar	...	3rd respondent in	AOP No.	185/2022
P.Santhamani	...	3rd respondent in	AOP No.	186/2022
C.Palanisamy	...	3rd respondent in	AOP No.	187/2022
Senniyappan	...	3rd respondent in	AOP No.	188/2022
Murugesan	...	3rd respondent in	AOP No.	189/2022
Dharmeshwari	...	3rd respondent in	AOP No.	190/2022
Saraswathi	...	3rd respondent in	AOP No.	191/2022
N.Chinnasamy	...	3rd respondent in	AOP No.	192/2022
P.Jayakumar	...	3rd respondent in	AOP No.	194/2022
E.Vijayan	...	3rd respondent in	AOP No.	195/2022
Vijayakumar	...	3rd respondent in	AOP No.	196/2022
Vasanthamani	...	3rd respondent in	AOP No.	197/2022
V.Punidhavathi	...	3rd respondent in	AOP No.	199/2022
R.Subramaniam	...	3rd respondent in	AOP No.	200/2022
V.Ramkumar	...	3rd respondent in	AOP No.	201/2022
L.Natarajan	...	3rd respondent in	AOP No.	202/2022
Subramaniam	...	3rd respondent in	AOP No.	203/2022
Vasanthamani	...	3rd respondent in	AOP No.	204/2022
Ananthi	...	3rd respondent in	AOP No.	205/2022
K.Subramanian	...	3rd respondent in	AOP No.	211/2022
K.Ramasamy	...	3rd respondent in	AOP No.	212/2022
Avinasiyappan	...	3rd respondent in	AOP No.	213/2022
Duraisamy	...	3rd respondent in	AOP No.	214/2022
K.P.Ramasamy	...	3rd respondent in	AOP No.	215/2022
K.Subramanian	...	3rd respondent in	AOP No.	216/2022
Thangavel	...	3rd respondent in	AOP No.	217/2022

Pazhanisamy	...	3rd respondent in	AOP No.	218/2022
A.A.Balasubramanian	...	3rd respondent in	AOP No.	220/2022
K.P.Nataraj	...	3rd respondent in	AOP No.	221/2022
K.P.Murugasamy	...	3rd respondent in	AOP No.	222/2022
K.Palanisamy	...	3rd respondent in	AOP No.	223/2022
Karuppusamy	...	3rd respondent in	AOP No.	224/2022
Govindasamy	...	3rd respondent in	AOP No.	225/2022
Velusamy	...	3rd respondent in	AOP No.	226/2022
Deivasigamani	...	3rd respondent in	AOP No.	227/2022
Rukkumani	...	3rd respondent in	AOP No.	237/2022
Selvaraj	...	3rd respondent in	AOP No.	238/2022
Savithiri	...	3rd respondent in	AOP No.	239/2022
Vishanjee T Patel	...	3rd respondent in	AOP No.	240/2022
Rukkumani	...	3rd respondent		
Jayanthi	...	4th respondent		
Sivasanmugam	...	5th respondent in	AOP No.	242/2022
Nanben K Patel	...	3rd respondent in	AOP No.	243/2022
Nalini	...	3rd respondent in	AOP No.	244/2022
Palanisamy	...	3rd respondent in	AOP No.	245/2022
Vijayarani	...	3rd respondent in	AOP No.	246/2022
Geethamarman	...	3rd respondent in	AOP No.	247/2022
Dayalaal Mavujee Patel	...	3rd respondent in	AOP No.	248/2022
Umadevi	...	3rd respondent in	AOP No.	249/2022
Ilamurugu	...	3rd respondent in	AOP No.	250/2022
M/s.Nethaji Appearl Park, Ettiveerampalyam, New Tiruppur, Avinashi Taluk, Tiruppur.	...	3rd respondent in	AOP No.	251/2022

Kamalam	...	3rd respondent in	AOP No.	261/2022
Murugasamy	...	3rd respondent in	AOP No.	262/2022
Srinivasan	...	3rd respondent in	AOP No.	263/2022
Chenniappa Gounder	...	3rd respondent in	AOP No.	264/2022
K.P.Nataraj	...	3rd respondent in	AOP No.	265/2022
Swaminathan	...	3rd respondent in	AOP No.	266/2022
A.P.Ammasaikutty (A) A.P. Appukutty	...	3rd respondent in	AOP No.	267/2022
Murugasamy	...	3rd respondent in	AOP No.	268/2022
K.P.Ramasamy	...	3rd respondent in	AOP No.	269/2022
Jaganathan	...	3rd respondent in	AOP No.	270/2022
K.P.Deivasigamani	...	3rd respondent in	AOP No.	271/2022
Dhanabakiyam	...	3rd respondent in	AOP No.	272/2022
Murugamsamy	...	3rd respondent in	AOP No.	273/2022
Poongathai	...	3rd respondent in	AOP No.	274/2022
D.Vishnu	...	3rd respondent in	AOP No.	275/2022
K.P.Nataraj	...	3rd respondent in	AOP No.	276/2022
Murugasamy	...	3rd respondent in	AOP No.	277/2022
K.P.Deivasigamani	...	3rd respondent in	AOP No.	278/2022
K.P.Ramasamy	...	3rd respondent in	AOP No.	279/2022
S.Aruchamy	...	3rd respondent in	AOP No.	280/2022
K.Saraswathi	...	3rd respondent in	AOP No.	281/2022
S.Loganathan	...	3rd respondent in	AOP No.	282/2022
Saradhamani	...	3rd respondent in	AOP No.	283/2022
T.S.Kumarasamy	...	3rd respondent in	AOP No.	1/2023
Revathi Spinners Pvt.Ltd., Pallakavundanpalyam, Uthukuli Taluk.	...	3rd respondent in	AOP No.	2/2023
Ramakrishnan	...	3rd respondent in	AOP No.	3/2023

K.Murugesan	...	3rd respondent in	AOP No.	4/2023
Subramaniam	...	3rd respondent in	AOP No.	5/2023
R.Eswaran	...	3rd respondent in	AOP No.	6/2023
T.S.Kumarasamy	...	3rd respondent in	AOP No.	7/2023
P.R.Periyasamy	...	3rd respondent in	AOP No.	8/2023
K.Chinnasamy	...	3rd respondent in	AOP No.	9/2023
A.Chandrasekar	...	3rd respondent in	AOP No.	10/2023
S.Rajalakshmi	...	3rd respondent in	AOP No.	12/2023
Velusamy	...	3rd respondent in	AOP No.	14/2023
Maanikkasundaram	...	3rd respondent in	AOP No.	15/2023
M/s.K.Sivasubramaniam Spineers Pvt Ltd., Nalligoundenpalayam, Thekkalur Village, Avinashi Taluk.	...	3rd respondent in	AOP No.	16/2023
Parthiban	...	3rd respondent in	AOP No.	17/2023
M.Nirmala	...	3rd respondent in	AOP No.	18/2023
Eswaran	...	3rd respondent in	AOP No.	19/2023
C.Rajamanickam	...	3rd respondent in	AOP No.	20/2023
R.Raghul	...	3rd respondent in	AOP No.	21/2023
R.Suryaprabavathy	...	3rd respondent in	AOP No.	22/2023
K.Krishnakanth	...	3rd respondent in	AOP No.	23/2023

Palanisamy (died)	...	3rd respondent
Lakshmi	...	4th respondent
Selvam	...	5th respondent
Manjula	...	6th respondent
Rasathi	...	7th respondent
Jothimani	...	8th respondent
Madhumitha	...	9th respondent

Abitha	...	10th respondent	AOP No. 24/2023	
Gajaythiran	...	11th respondent in		
T.K.Appachi	...	3rd respondent in	AOP No.	25/2023
N.S.Palanisamy	...	3rd respondent in	AOP No.	26/2023
M/s.K.Sivasubramaniam Spineers Pvt Ltd., Nalligoundenpalayam, Thekkalur Village, Avinashi Taluk.	...	3rd respondent in	AOP No.	27/2023
Geetharani	...	3rd respondent in	AOP No.	28/2023
A.Nathan	...	3rd respondent in	AOP No.	29/2023
Manickam	...	3rd respondent in	AOP No.	31/2023
P.Subramaniam	...	3rd respondent in	AOP No.	32/2023
Ramasamy	...	3rd respondent in	AOP No.	35/2023
S.R.Chenniyappan	...	3rd respondent in	AOP No.	36/2023
N.S.Karuppusamy	...	3rd respondent in	AOP No.	37/2023
Nithyanandi	...	3rd respondent in	AOP No.	38/2023
M/s. SCM Textiles Spineers, S.F.No.39, N.G.Palayam Pudur Pirivu, Thekkalur Village and Post, Tiruppur District- 641 654.	...	3rd respondent in	AOP No.	39/2023
M/s. TCS Textiles Private Limited, 636 Oppanakara Street, Coimbatore.	...	3rd respondent in	AOP No.	40/2023
B.Ramakrishnan	...	3rd respondent in	AOP No.	41/2023
Koilpichai	...	3rd respondent in	AOP No.	47/2023
M.V.Arumugam	...	3rd respondent in	AOP No.	48/2023
Jayamani	...	3rd respondent in	AOP No.	49/2023

M.Kumarasamy	...	3rd respondent in	AOP No.	50/2023
Latha	...	3rd respondent in	AOP No.	51/2023
Muthusamy	...	3rd respondent in	AOP No.	52/2023
Velusamy	...	3rd respondent in	AOP No.	53/2023
Ranganathan	...	3rd respondent in	AOP No.	54/2023
Deivasigamani	...	3rd respondent in	AOP No.	55/2023
Parvathy	...	3rd respondent in	AOP No.	56/2023
Subramaniam	...	3rd respondent in	AOP No.	57/2023
Narayanasamy (died)	...	3rd respondent		
Deivathal	...	4th respondent		
Saraswathi	...	5th respondent		
Rajamanikam	...	6th respondent		
Gurusamy	...	7th respondent in	AOP No.	58/2023
Ramasamy	...	3rd respondent in	AOP No.	59/2023
Vijayalakshmi	...	3rd respondent in	AOP No.	60/2023
V.Palanisamy	...	3rd respondent in	AOP No.	61/2023
S.V.Subramaniam	...	3rd respondent in	AOP No.	62/2023
Somasundaram	...	3rd respondent in	AOP No.	63/2023
M.Velusamy	...	3rd respondent in	AOP No.	64/2023
Tamim Tyebjee	...	3rd respondent in	AOP No.	65/2023
C.Kandasamy	...	3rd respondent in	AOP No.	66/2023
Savithiri	...	3rd respondent in	AOP No.	67/2023
Karunambal	...	3rd respondent in	AOP No.	68/2023
S.Sreemathi	...	3rd respondent in	AOP No.	69/2023
Palanisamy(Died)	...	3rd respondent		
Jothimani	...	4th respondent		
Duraisamy	...	5th respondent		
Natarajan	...	6th respondent in	AOP No.	70/2023

V.Karthikeyan	...	3rd respondent in	AOP No.	71/2023
S.M.Rangasamy (died)	...	3rd respondent		
Subbulakshmi	…	4th respondent		
Vijayarajasekaran	…	5th respondent	AOP No.	72/2023
Jayalakshmi	…	6th respondent		
C.Palanisamy	...	3rd respondent in	AOP No.	73/2023
Jaganathan	...	3rd respondent		
Saradhamani	...	4th respondent in	AOP No.	83/2023
Santhi	...	3rd respondent		
Karpagam	...	4th respondent		
Poomani	...	5th respondent		
Yamunadeevi	...	6th respondent in	AOP No.	84/2023
A.K.Krishnamoorthy	...	3rd respondent in	AOP No.	85/2023
P.Ragupathi	...	3rd respondent in	AOP No.	86/2023
Santhi	...	3rd respondent		
Karpagam	...	4th respondent		
Poomani	...	5th respondent		
Yamunadeevi	...	6th respondent		
N.S.Karuppusamy	...	7th respondent		
N.S.Palanisamy	...	8th respondent in	AOP No.	87/2023
Swornambaal	...	3rd respondent		
Murugesan	...	4th respondent in	AOP No.	88/2023
Ponnusamy	...	3rd respondent		
Puspavathy	...	4th respondent in	AOP No.	89/2023
Sarathamani	...	3rd respondent		
Jaganathan	...	4th respondent in	AOP No.	90/2023
V.Karthikeyan	...	3rd respondent in	AOP No.	102/2023

Deivasigamani	...	3rd respondent		
Vijayalakshmi	...	4th respondent in	AOP No.	103/2023
Krishnakumar	...	3rd respondent in	AOP No.	104/2023
Joint Management Committee, Kalaimagal Sabha, No.17, Old No.48, North Ushman Road, T.Nagar, Chennai	...	3rd respondent in	AOP No.	124/2023
Rasappan	...	3rd respondent in	AOP No.	132/2023
Vettrivel	…	3rd respondent in	AOP No.	133/2023

These petitions were coming on 31.10.2023 for final hearing before me in the presence of Thiru.K.Krishnamurthi, Advocate for the petitioner in all O.Ps and Thiru.M.Thangamani, Government Pleader for the respondents 1 and 2 in all O.Ps and Tmt.K.Kavitha, Advocate for the 3rd respondent and filed counter in AOP Nos. 81, 82, 85, 87, 89, 91, 92, 93, 94, 195 of 2022 and 22 of 2023, Tmt.R.Vinola, Advocate for the 3rd respondent and filed counter in AOP No. 86 of 2022, Tmt.N.Poongodi, Advocate for the 3rd respondent and filed counter in AOP No.124 of 2022, Tmt.N.Madhubassini, Advocate for the 3rd respondent and filed counter in AOP No.20/2023, Tr.A.R.Rangasamy, Advocate for the 3rd respondent and filed counter in AOP Nos.97, 98, 99, 100, 101, 102, 103, 127, 128, 132, 136, 138, 140, 141, 142, 165, 176, 179, 180, 181, 182, 184, 189, 191, 192, 197, 202, 204, 205, 238, 239, 244, 246, 247, 249, 263, 274, 275, 283 of 2022, Tr.T.Kaviyarau, Advocate for the 3rd respondent and filed counter in AOP Nos. 152, 162, 163, 164, 166, 175 of 2022, Tr.A.Jagadeesh, Advocate for the 3rd respondent and filed counter in AOP.No.160/2022, Tr.S.K.Kharventhan, Advocate appeared for the 3rd respondent in AOP Nos. 186, 196, 199, 251 of 2022 and 4, 9, 15, 18, 19, 23, 24, 26, 28, 29, 31, 37, 38, 62, 63, 70, 84, 85, 87, 133 of 2023, he has filed counter and written arguments except AOP Nos.9, 24, 63 of 2023, Tr.M.Anandhan, Advocate appeared for the 3rd respondent in AOP No.190 of 2022, counter not filed, Tr.V.C.Vasudevan, Advocate appeared for the 3rd respondent in AOP Nos. 212, 213, 214, 215, 217, 218, 220, 221, 222, 223, 224, 225, 226, 227, 242, 245, 261, 262, 268, 269, 271, 273, 276, 277, 278, 279, 280 of 2022 and 16, 27, 41, 49, 68 of 2023, filed counter except AOP No.220 of 2022, Tr.K.Sengottuvelan, Advocate for the 3rd respondent and filed counter in AOP Nos. 1, 5, 7, 10, 14, 66 of 2023, Tr.M.Sathianarayanan, Advocate for the 3rd respondent and filed counter in AOP No.3/2023, Tr.V.Murugavel, Advocate for the 3rd respondent and filed counter in AOP No.8/2023, Tr.P.K.Chanderan, Advocate for the 3rd respondent in AOP No.17/2023, memo filed stating that adopted the counter statement filed in AOP No.186/2022, Tr.C.Loganathan, Advocate for the 3rd respondent, filed counter and written argument in AOP No.21/2023, Tr.A.R.Velliangiri, Advocate for the 3rd respondent and filed counter in AOP No.25/2023, Tr.O.Uthaya sooriyan, Advocate for the 3rd respondent, filed counter in AOP Nos.47, 51, 53, 54, 56, 67, 69 of 2023, Tr.CM.Arunachalam, Advocate for the 3rd respondent, filed counter and written argument in AOP No.58/2023, Tr.R.K.Saravanan, Advocate for the 3rd respondent, filed counter in AOP No.59/2023, Tr.A.Surya Prakash, Advocate for the 3rd respondent, filed counter in AOP No.61/2023, though Tr.R.Ananthakrishnan, Advocate appeared for the 3rd respondent in AOP Nos.64, 71, 102 of 2023, filed counter except AOP No.102/2023, Tr.APR.Karthikeyan, Advocate for the 3rd respondent, filed counter in AOP No.124/2023, M/s.S.Karthick & Associates, Advocate appeared for the 3rd respondent in AOP No. 95 of 2022, counter not filed, Tr.A.Manavalan, Advocate appeared for the 3rd respondent in AOP Nos.150, 153, 155, 159, 161, 201 of 2022 and AOP No.6/2023, he had filed counter statement except AOP Nos.201/2022 and

6/2023, Tr.C.Raja Ragavan Advocate appeared for the 3rd respondent and counter not filed in AOP No.139 of 2022, the 3rd respondent and others appeared as party in person in AOP Nos. 125, 137, 174, 178, 194, 240, 243, 248, 250, 282 of 2022 and 32, 52, 55, 60, 72, 88, 103, 132 of 2023 and counter not filed, the 3rd respondent and others remained exparte in AOP Nos.90, 123, 126, 130, 131, 133, 134, 151, 154, 185, 187, 188, 200, 203, 211, 216, 237, 264, 265, 266, 267, 270, 272, 281 of 2022 and 2, 12, 35, 36, 39, 40, 48, 50, 57, 65, 73, 83, 86, 88, 89, 90 104 of 2023, the 3rd respondent died in AOP Nos.24, 58, 70, 72/2023, upon hearing both side arguments, upon perusing the petition, affidavit, counter, written arguments filed by the petitioner and the 3rd respondent, the case having stood over for consideration till this day, this Court deliver the following:

COMMON ORDER

This Batch of Arbitration O.Ps filed under Section 34 of the Arbitration and Conciliation Act, 2006 before this court, filed by the National Highways Authority of India, PIU, Coimbatore represented by it's DGM (T) and Project Director questioning the Arbitrator's Award passed by the Sole Arbitrator / District Collector, Tiruppur granting solatium, interest to the lands acquired under the Nation Highways Act as bad in law and had filed the present applications seeking to set aside the Arbitration awards passed by the District Collector, Tiruppur.

The batch of 209 petitions are arising out of the same Acquisition Proceedings for the Award passed by the District Collector in connection with Chengapalli, Walayar Section, National Highway - 47 for widening the National Highway for the purpose of four laning the National Highways Road on the stretch between Chengapalli to Walayar Section.

Being aggrieved by the compensation awarded by the Land Acquisition Officer, who had fixed the market value of the agricultural lands based on the guideline value obtained from the data land available with him. The Land Acquisition Officer has passed Award**.** Thereby, the 3rd respondents hearing had preferred Arbitration Petition before the Sole Arbitrator / District Collector seeking for enhancement of compensation with additional award amount.

By order dated 10.05.2022, the District Collector had rejected the Arbitration Petition saying that the compensation has been fixed properly by the Land Acquisition Officer for the acquired land. However, ordered for enhancement of compensation by Order dated 10.05.2022, ordering for 30% payment of solatium with interest by relying upon the Judgment of the Hon'ble Supreme Court Tarsem Singh Vs. Union of India, 2019 (9) SCC 304. In the meanwhile, the petitioner had filed CA No.7064/2019 before the Hon'ble Supreme Court seeking for certain clarification with respect to the applicability of the ratio laid down in the said judgment to the present petitioners in hand and the said clarification petition is pending before the Hon'ble Supreme Court. Now, the present Arbitration O.P has been preferred by the petitioner seeking for setting side the said Order passed by the District Collector.

2) <u>The facts stated in one of the petition in AOP No.47 /2023 may be taken up as illustrative of the points for consideration in all the petitions to avoid reputation as follows:</u>

The petitioner is developing road infrastructure in the Nation. Considering the enormous increase in the vehicle traffic and to reduce fatal accidents besides property loss of the road users owing to the road accidents. The Government of India is implementing the projects through NHAI constituted under 1988 Act. As part of the projects the PIU Coimbatore has been embarked upon the task of implementing the project by name Chengapalli to Walayar Section NH-47. Land Acquisition Proceedings were initiated under NH Act, 1956 and an extent of 47324

Sq. meters of land comprised in SF No.113/1c, etc., were acquired for formation of six laning under NH-47 in Pongalur Village, Palladam Taluk of Tiruppur District and in adjoining Villages.

In this regard, 3A(1) Notification was published in SO. No.1827(E), dated 26.07.2017 and the substance of the Notification was published in local dailies under Section 3A(3) of the Act calling of objections in the manner prescribed in Dhinathanthi Tamil Local daily as well as in the Hindu in English Local daily. The date of the publication is 27.11.2007.

The Notification in connection with the same, under Section 3D(1) was approved vide SO.No.1194E, dated 23.05.2008 and 3G(3) Public Notice was also published on 16.07.2008 in Dhinathanthi Tamil Local daily and in the Hindu in English Local daily.

3G(3), enquiry was conducted at the office of the Special Tahsildar Land Acquisition, Palladam on 30.07.2008 and 31.07.2008. The SDRO (LA) had fixed the market value of the land at Rs.760.09 per square meter after considering the sales occurred within a radius of 1.6 Kms covering Pongalur Village for the period from 26.10.2006 to 25.10.2007. The data land is abetting NH47. The SDRO (LA) has adopted a value of Rs.760.09 per sq. meter for the lands under acquisition and passed the Award on 09.01.2009 by Award No.10/2008.

Being aggrieved over the value fixed by the SDRO (LA) the 3rd respondent had filed Arbitration Petition before the Sole Arbitrator / District Collector, Tiruppur seeking for enhancement of compensation. The District Collector after conducting enquiry with the petitioner along with SDRO (LA) had rejected the enhancement application filed by the petitioners on the ground that the award passed by the SDRO (LA) and the value fixed at 760.09 for the land is in a judicious manner and had held he had followed all procedures prescribed under NH Act, 1956.

However, while disallowing the enhancement claim, the District Collector had relied upon the Judgment passed in Tarsem Singh Vs. Union of India by the Hon'ble Supreme Court, wherein the Hon'ble Supreme Court was ordered payment of 30% solatium along with the interest in with respect of the land acquired. Based on the said judgment, the District Collector ordered for payment of 30% solatium and the interest. The said amount was ordered to be paid together with interest.

Being aggrieved by the said order passed by the District Collector, the present Arbitration OP has been filed by the petitioner under Section 34 of the Arbitration Act.

As for as the other petitions are concerned, the details with respect to the acquired land, the village concerned, the extent acquired, the value fixed by the Land Acquisition Officer, total compensation awarded and the award details are mentioned below for reference. The particulars with regard to the date of notification, publication date, date when the enquiry was held are not given as there is no quarrel with respect to the said procedure adopted by the land acquisition offence. Hence, the same is not reproduced herein to avoid repetition.

3) **The details of acquisition in batch cases are as follows:-**

Sl.No.	**AOP Nos**	**Village Name**	**S.F.Nos.**	**Extent**	**Amount fixed by SDRO in Rs.**	**Total amount in Rs.**
AVINASHI TALUK						
<u>Thekkalur Village</u>						
1	81/2022	Thekkalur	754/4A	114	1510	172140
			754/4B	24	755	18120
2	82/2022	Thekkalur	429/1C2	1035	755	991315
			429/2A2	278		
3	85/2022	Thekkalur	429/1C2	1035	1510	991315
			429/2A2	278		

4	86/2022	Thekkalur	92/1B	54	1510	81540
5	87/2022	Thekkalur	429/2A2	9	755	6795
			429/2C2	1301	755	982255
6	89/2022	Thekkalur	429/2C2	1959	755	1479045
7	90/2022	Thekkalur	465/3A1	380	755	286900
			466/1A	430	755	324650
8	91/2022	Thekkalur	754/6A	26	1510	39260
9	92/2022	Thekkalur	550/1B1A	192	1510	289920
10	93/2022	Thekkalur	754/6A	26	1510	39260
11	94/2022	Thekkalur	550/6	71	1510	107210
12	95/2022	Thekkalur	550/5	110	1510	166100
13	151/2022	Thekkalur	550/6	45.5	1510	68705
14	187/2022	Thekkalur	550/6	45.5	1510	68705
15	264/2022	Thekkalur	44/2	3976	755	3779530
			45/2B	1030		
16	265/2022	Thekkalur	52/1C2	112	755	538564.15
			52/2B	6.66		
			53/2	594.67		
17	269/2022	Thekkalur	52/1C2	111	755	599470
			52/2B	87.67		
			53/2	595.33		
18	271/2022	Thekkalur	52/1C2	112	755	538571.70
			52/2B	6.67		
			53/2	594.67		
19	276/2022	Thekkalur	52/1C2	111	755	599470
			52/2B	87.67		
			53/2	595.33		
20	278/2022	Thekkalur	52/1C2	111	755	599470
			52/2B	87.67		
			53/2	595.33		
21	279/2022	Thekkalur	52/1C2	112	755	538564.15
			52/2B	6.67		
			53/2	594.66		
22	281/2022	Thekkalur	465/3A	380	755	611550
			466/1A	430		

23	16/2023	Thekkalur	24/4B2	64	755	48320
			28/5A2	2297		1734235
24	22/2023	Thekkalur	485/2A	299	755	225745
25	39/2023	Thekkalur	92/1	1850	755	1396750
26	40/2023	Thekkalur	40/3B2	1558	755	1176290
			40/3C2			
			40/3D			
2. Ettiveerampalayam Village:						
1	123/2022	Ettiveerampalayam	326	1696	643	1090528.50
2	124/2022	Ettiveerampalayam	378/1A	4650	643	2989950
3	125/2022	Ettiveerampalayam	184/1	111.5	1285	143277.50
4	131/2022	Ettiveerampalayam	184/1	55.75	1285	71638.75
5	137/2022	Ettiveerampalayam	184/1	55.75	12.85	71638.75
6	150/2022	Ettiveerampalayam	184/1	446	12.85	573110
7	153/2022	Ettiveerampalayam	184/1	223	1285	286555
8	155/2022	Ettiveerampalayam	592/1B	1752.20	1285	2251577
9	159/2022	Ettiveerampalayam	184/1	982.41	1285	1262396.85
10	161/2022	Ettiveerampalayam	592/1B	3416.60	1285	4390331
			592/2B	22	1285	28270
11	178/2022	Ettiveerampalayam	647/1A	289	643	185827
12	201/2022	Ettiveerampalayam	184/1	111.50	1285	143277.50
13	211/2022	Ettiveerampalayam	184/1	223	1285	286555
14	212/2022	Ettiveerampalayam	335/5C2	5711	643	3672173
			336/2B	64.33	643	41364.19
			336/7B	1774	643	1140682
			335/6A	306	643	196758
15	213/2022	Ettiveerampalayam	335/5B	200	643	1234129.19
			335/5B	64.33		
			336/6B	1655		
16	214/2022	Ettiveerampalayam	332/3A	1660.17	643	1067489
			334/3			
			334/4A			
			335/3B			
17	215/2022	Ettiveerampalayam	612/2	889.33	643	571839.19
			613/1B	205.75	643	132297.25
18	216/2022	Ettiveerampalayam	336/1B	263	643	169109
			336/5B	64.34	643	41370.62
			336/5B	17	643	10931

19	217/2022	Ettiveerampalayam	328/1A1 347/1E1	780.50	643	501861.50
			347/1D2	14.25	643	9162.75
20	218/2022	Ettiveerampalayam	625/4	872.5	643	561017.50
21	220/2022	Ettiveerampalayam	332/1B 332/1E 649/2A	735	643	472605
22	221/2022	Ettiveerampalayam	612/2	889.34	643	571845.62
			613/1B	205.75	643	132297.25
23	222/2022	Ettiveerampalayam	613/1B	205.75	643	132297.25
24	223/2022	Ettiveerampalayam	328/1A1 347/1E1	780.5	643	501861.50
			347/1D2	14.25	643	9162.75
25	224/2022	Ettiveerampalayam	625/4	604.5	643	388693.50
26	225/2022	Ettiveerampalayam	334/4A 335/2B 347/3B	709.72	643	456349.96
27	226/2022	Ettiveerampalayam	333/3A 334/3 334/4A 335/3B	1660.16	643	1067483
28	227/2022	Ettiveerampalayam	612/2	889.33	643	571839.19
			613/1B	205.75	643	132297.25
29	237/2022	Ettiveerampalayam	326	1696	643	1090528
30	242/2022	Ettiveerampalayam	253/1B 255/1A1 255/1D1 256/B2B 256/B3B 257/B2B 257/B3B	506 579 103 25 1567 81 2010	643	3132053
31	245/2022	Ettiveerampalayam	346/1	1350	643	868050
32	251/2022	Ettiveerampalayam	592/1B	3563.30	643	2291202
33	262/2022	Ettiveerampalayam	335/5D	940	643	604420
34	268/2022	Ettiveerampalayam	647/2A 647/2C 649/1A	80 404 120	643	388372

35	273/2022	Ettiveerampalayam	335/5C	832	643	534976
36	277/2022	Ettiveerampalayam	333/1B	1356	643	871908
			334/2B			
			335/4D			
			335/4F1			
3) Palangarai Village:						
1	238/2022	Palangarai	428/1B	37.900	675	25583
			429/1A2	740.000	675	499500
2	240/2022	Palangarai	55/4B	159	675	107325
			55/5B	333	675	224775
3	243/2022	Palangarai	55/4B	531	675	358425
			55/5B	1110	675	749250
4	248/2022	Palangarai	55/4B	372	675	251100
			55/5B	777	675	524475
5	261/2022	Palangarai	457/2B	676.50	675	456637.50
			458/1B	124.50	675	84037.50
			458/2B	77.50	675	52312.50
			458/3B	2030	675	1370250
6	263/2022	Palangarai	428/1B	37.89	675	25575.75
			429/1A2	740	675	499500
7	266/2022	Palangarai	67/9B	92	675	62100
			67/10B	1276	675	861300
8	267/2022	Palangarai	67/9B	1473	675	994275
9	270/2022	Palangarai	457/2B	1153.33	675	778497.75
			458/1B	437	675	294975
			469/5B	880	675	594000
			482/1D2	1314.67	675	887402.25
			482/1D2	12.33	675	8322.75
10	272/2022	Palangarai	457/2B	676.50	675	456637.50
			458/1B	124.50	675	84037.50
			458/2B	77.50	675	52312.50
			458/3B	2030	675	1370250
11	274/2022	Palangarai	428/1B	37.90	675	25582.50
			429/1A2	740	675	499500
12	275/2022	Palangarai	428/1B	54.22	675	5010673.50
			428/2B	2967		
			429/1B1	3990		
			431/1A1	98		
			457/1B1	314		
13	280/2022	Palangarai	7/1O2	1780	675	1201500
14	283/2022	Palangarai	457/2B	1153.33	675	778497.75
			458/1B	437	675	294975
			469/5B	880	675	594000
			482/1D2	1314.67	675	887402.25
15	12/2023	Palangarai	318/1B	4550	675	3071250

16	83/2023	Palangarai	457/2B	1153.33	675	778497.75
			458/1B	437	675	294975
			469/5B	880	675	594000
			482/1D2	1314.67	675	887402.25
			482/1D2	12.33	675	8322.75
17	86/2023	Palangarai	428/1B	113.72	675	76761
			429/1A2	2220	675	1498500
18	89/2023	Palangarai	428/1B	113.72	675	76761
			429/1A2	2220	675	1498500
19	90/2023	Palangarai	428/1B	113.72	675	76761
			429/1A2	2220	675	1498500
4) Perumanallur Village:						
1	186/2022	Perumanallur	125/2	6664	513	3418632
2	196/2022	Perumanallur	291/5B	5229.500	1025	5360237.50
			296/4B	169	1025	173225
3	199/2022	Perumanallur	126/2A2	3185	513	1633905
4	15/2023	Perumanallur	120/3B	2262	513	1160406
5	19/2023	Perumanallur	120/1A	4670	513	2395710
			121/2A	790		405270
			122/1B2	87		44631
			123/1B2	1080		554040
			123/2B1	1990		1020870
6	28/2023	Perumanallur	120/4B	1569	513	804897
			123/1A2	4334	513	2223342
7	38/2023	Perumanallur	123/1A2	3612	513	1852956
			123/2A1	431	513	221103
8	85/2023	Perumanallur	126/2B	2760	513	1415880
9	133/2023	Perumanallur	291/5B	6469	513	3318597
			292/2	9057		4646241
5) Pongupalayam Village:						
1	06/2023	Pongupalayam	290/2A1	537	643	345291
2	18/2023	Pongupalayam	331/4B1	21	643	13503
3	29/2023	Pongupalayam	331/4B1	227	643	145961
6) Rakkiyapalayam Village:						
1	49/2023	Rakkiyapalayam	94/2	94	450	42300
			96/2	2011	450	904950
2	68/2023	Rakkiyapalayam	96/2	5818	450	2618100
7) Puthupalayam Village:						
1	27/2023	Puthupalayam	12/1B2	2529	593	1499697
2	41/2023	Puthupalayam	15/2	1098	593	651114
8) Kalipalayam Village:						
1	52/2023	Kalipalayam	160/1B	7594	513	3895722
			160/2D2			
			160/2C2			

2	65/2023	Kalipalayam	163/2B	574	513	294462
Velayuthampalayam Village:						
1	100/2022	Velayuthampalayam	73/2B	4732	700	3312400
2	98/2022	Velayuthampalayam	55/1B	811	700	567700
3	101/2022	Velayuthampalayam	55/1B	862	700	603400
4	97/2022	Velayuthampalayam	171/1B	4784.6	700	3349220
5	102/2022	Velayuthampalayam	75/2A	198	700	138600
6	103/2022	Velayuthampalayam	75/1C	1766	700	1236200
7	126/2022	Velayuthampalayam	174/2	622	700	435400
8	127/2022	Velayuthampalayam	171/2	5190	700	3633000
9	128/2022	Velayuthampalayam	53/3B	3718	700	2602600
10	130/2022	Velayuthampalayam	144/1K	1214	700	849800
11	132/2022	Velayuthampalayam	55/1B	862	700	603400
12	133/2022	Velayuthampalayam	75/2A	154	700	107800
13	134/2022	Velayuthampalayam	192/2B	2353	700	1647100
14	136/2022	Velayuthampalayam	192/1B	5766	700	4036200
15	138/2022	Velayuthampalayam	78/2B	2863	700	2004100
16	139/2022	Velayuthampalayam	144/1K	890	700	623000
17	140/2022	Velayuthampalayam	144/1K	680	700	476000
18	141/2022	Velayuthampalayam	78/2B	3634	700	2543800
19	142/2022	Velayuthampalayam	192/2	3368	700	2357600
20	152/2022	Velayuthampalayam	144/1C2	101.5	700	71050
21	154/2022	Velayuthampalayam	148/1C1	341	700	238700
			148/1C1	825	700	577500
22	160/2022	Velayuthampalayam	77/2B	1178	700	824600
			75/1C	3805	700	2663500
23	162/2022	Velayuthampalayam	144/1C2	101.5	700	71050
24	163/2022	Velayuthampalayam	144/1C2	101.5	700	71050
25	164/2022	Velayuthampalayam	144/1C2	101.5	700	71050
26	165/2022	Velayuthampalayam	75/1C	1178	700	824600
			77/2B	1253	700	877100
27	166/2022	Velayuthampalayam	144/1C2	101.5	700	71050
28	99/2022	Velayuthampalayam	74/1B	1271	700	889700
29	174/2022	Velayuthampalayam	144/2K1	89	1400	124600
30	175/2022	Velayuthampalayam	144/1C2	101.5	700	71050
31	176/2022	Velayuthampalayam	75/1C	392.665	700	274865.50
			77/2B	897	700	627900
32	179/2022	Velayuthampalayam	144/2k	28	1400	39200
			173/1	56	700	39200

33	180/2022	Velayuthampalayam	75/1C	392.665	700	274865.5
			77/2B	897	700	627900
34	181/2022	Velayuthampalayam	72/2	10016	700	7011200
35	182/2022	Velayuthampalayam	55/1C	5098	700	3568600
36	184/2022	Velayuthampalayam	190/1B	1673	700	1171100
37	185/2022	Velayuthampalayam	170/2A	2897	700	2027900
			170/2A	1531	700	1071700
38	188/2022	Velayuthampalayam	151/2A	3096	700	2167200
39	189/2022	Velayuthampalayam	55/1B	769	700	538300
			55/2B	3296	700	2307200
			55/2B	1828	700	1279600
40	190/2022	Velayuthampalayam	144/1K	992	700	694400
41	191/2022	Velayuthampalayam	144/2K-1	94	1400	131600
			144/2K-1	88	1400	123200
42	192/2022	Velayuthampalayam	170/1B	5974	700	4181800
43	194/2022	Velayuthampalayam	148/1B1	32.71	700	22897
44	195/2022	Velayuthampalayam	148/1B	7056.29	700	4939403
45	197/2022	Velayuthampalayam	75/1C	392.67	700	274869
			77/2B	898	700	628600
46	200/2022	Velayuthampalayam	75/2A	1052	700	736400
			75/2A	1414	700	989800
47	202/2022	Velayuthampalayam	55/3A	6948	700	4863600
			55/3A	152	700	106400
			61/1	109	700	76300
48	203/2022	Velayuthampalayam	171/1B	139.40	1400	195160
49	204/2022	Velayuthampalayam	144/2L	1012	700	708400
50	205/2022	Velayuthampalayam	190/1B	1673	700	1171100
51	239/2022	Velayuthampalayam	118/2	1169.60	700	818720
52	244/2022	Velayuthampalayam	118/2	1169.60	700	818720
53	246/2022	Velayuthampalayam	118/2	1169.60	700	818720
54	247/2022	Velayuthampalayam	118/2	1169.60	700	818720
55	249/2022	Velayuthampalayam	118/2	1169.60	700	818720
56	250/2022	Velayuthampalayam	144/1M	1545	700	1081500
			144/1M	55	700	38500
			144/1N2	271	1400	379400
			144/1N2	28	1400	39200
			144/1E	218	1400	305200
PALLADAM TALUK						
1) Naranapuram Village:						
1	48/2023	Naranapurm	587/8	413	6570	2713410
			597/2B			
2	50/2023	Naranapurm	587/8	825.5	6570	5423535
			597/2B			

3	64/2023	Naranapurm	587/8 597/2B	825.5	6570	5423535
4	71/2023	Naranapurm	587/8 597/2B	413	6570	2713410
5	102/2023	Naranapurm	587/8 597/2B	825.5	6570	5423535
6	104/2023	Naranapurm	587/8 597/2B	825.5	6570	5423535
2) Pongalur Village:						
1	51/2023	Pongalur	115/7	48	760.09	36484.32
2	54/2023	Pongalur	124/1B 115/15	34.5	760.09	26223.11
3	47/2023	Pongalur	115/9	40	760.09	30403.60
4	53/2023	Pongalur	124/1B	35	760.09	26603.15
5	56/2023	Pongalur	124/1B	34	760.09	25843.06
6	67/2023	Pongalur	124/1B	20	760.09	15201.80
7	69/2023	Pongalur	124/1B	62	760.09	47125.58
UTHUKULI TALUK						
3) Virumandapalayam Village:						
1	03/2023	Virumandapalayam	140/6B 140/7A	253.50 136.50	513 513	130045.50 70024.50
2	04/2023	Virumandapalayam	122/2B	1487	513	762831
3	21/2023	Virumandapalayam	113/2B	1568	513	804384
4	23/2023	Virumandapalayam	116/1B	387.66	513	198869.58
5	26/2023	Virumandapalayam	116/1B 116/1B	432.81 342.50	513 513	222031.53 175702.50
6	32/2023	Virumandapalayam	144/6B 144/7B	710 248	513 513	364230 127224
7	37/2023	Virumandapalayam	116/1B 116/1B	216.41 171.25	513 513	111018.33 87851.25
8	84/2023	Virumandapalayam	116/1B 116/1B	432.81 342.50	513 513	222031.53 175702.50
9	87/223	Virumandapalayam	116/1B	86.56	513	44405.28
			116/1B	68.50	513	35140.50
4) Sengalipalayam Village:						
1	02/2023	Sengalipalayam	182/1B 182/2A2 182/3B	3278	50.89	166817
2	09/2023	Sengalipalayam	193/4B2	691	50.89	35165
3	08/2023	Sengalipalayam	193/4A2 193/4A1B	3547	50.89 56.99	187882
4	35/2023	Sengalipalayam	206/1A	794.50	50.89	40432

Muthampalayam Village:						
1	70/2023	Muthampalayam	38/5A	5440.73	49.38	268663
Pallagoundenpalayam Villlage:						
1	57/2023	Pallagoundenpalayam	105/1B	518	71.94	37265
2	61/2023	Pallagoundanpalayam	31/1B2A 31/2B2A	544	56.99	31003
3	73/2023	Pallagoundanpalayam	21/1A, 21/2B, 21/8B1, 21/8A, 21/9A, 21/10A2, 21/2C1, 21/10B, 21/11A1B, 21/11C2, 21/11A2, 21/11D2, 23/1B, 23/4B, 23/5, 23/6, 23/7A, 23/8, 23/9, 23/10B, 23/11B, 23/14D2, 21/1B1, 21/2A1, 21/2C2A, 21/8B2, 21/9B2, 21/10A1B, 21/11D1B, 21/1D3A,21/11 A1A2, 21/7A, 21/11B2, 21/12A	14186.81 & 1091.00	50.89 & 56.99	721967 & 62176
Vadamugan Gangeyampalayam Village:						
1	282/2022	Vadamugan Gangeyampalayam	73/16B, 18B, 19B, 20B, 21B 75/2B	915.53	50.89	46591
2	17/2023	Vadamugan Gangeyampalayam	82/1B, 2B, 82/3B	1114.11	50.89	56697
3	25/2023	Vadamugan Gangeyampalayam	129/1, 132	6490.88	50.89	+330321
4	36/2023	Vadamugan Gangeyampalayam	39/7B, 39/7A2	2765	50.89, 50.99	144670
5	124/2023	Vadamugan Gangeyampalayam	135/1C1 135/1C2A	2571 1148	50.89 56.99	130838 65425
Chengapalli Village:						
1	01/2023	Chengapalli	44/1	496	61.78	30643

2	05/2023	Chengapalli	33/1J2 33/2A 33/3A 33/3B 33/5C1 33/4H	631.82	49.42&61.78	35736
3	07/2023	Chengapalli	44/2	6502.72	49.42	321364
4	10/2023	Chengapalli	44/2	220	49.42	10872
5	14/2023	Chengapalli	33/1J2 33/2A 33/3A 33/5C1	25.96	49.42	1283
6	20/2023	Chengapalli	44/2	2000	49.42	98840
7	24/2023	Chengapalli	30/9B1B	375	61.78	23168
8	31/2023	Chengapalli	32/2A 33/4H2A	188.25	49.42&61.78	11256
9	59/2023	Chengapalli	27/1A1C 28/313B 28/315A2 27/1A1B 40/4B 40/5A1 28/315B	3955& 1124	49.42&61.78	195456&69441
10	62/2023	Chengapalli	32/2A 32/2B 33/1J2 33/2A 33/3B 33/3C 33/4F1	467.02 & 8.00	49.42 & 193.75	23080 & 1550
11	63/2023	Chengapalli	30/9B1B 34/20A2 34/15B	190.6	61.78	11775
12	66/2023	Chengapalli	53/4B2	1610	49.42	79566
13	72/2023	Chengapalli	33/3C 33/4H2A	632	61.78	39045
14	88/2023	Chengapalli	33/1J2 33/2A 33/3A 33/3B 33/5C1 40/7A2 33/3C 33/4H2A 40/7B 40/8A2	3956.82	49.42, 61.78, 193.75	307595

15	132/2023	Chengapalli	28/3I8B 28/3H1 28/3H3	814, 413	49.42, 193.75	123734
16	58/2023	Chengapalli	27/1A4A 28/318B 28/318D	5478	49.42	270723
TIRUPPUR SOUTH TALUK						
Therku Avinashipalayam Village:						
1	55/2023	Therku Avinashipalayam	64/4B	328	161.33	52916
2	60/2023	Therku Avinashipalayam	64/4B	328	161.33	52916
3	103/2023	Therku Avinashipalayam	64/4B	328	161.33	52916

4) The Points raised by the petitioner in the grounds are as follows:

The District Collector had not followed the Principles laid down under law as per the provisions of Arbitration and Conciliation Act, 1996 and the Proceedings of the District Collector is vitiated. The Arbitrator is duty bound in look into the representation seeking for enhancement of compensation and his role is either to allow the enhancement claim of compensation based on records or to disallow the claim. Awarding of solatium and interest are statutory in nature and the 1st respondent has no authority to grand solatium with interest, which is outside the scope of Arbitration and Conciliation Act, 1996. Thereby, the Order passed by the District Collector is void by wrong application of Rules. The Landed Acquisition Officer had paid 10% of the market value in addition to the land value for the lands acquired taking into consideration, the user right of easement on the land and the Arbitrator erred in grand 30% solatium with interest for the said additional land value ordered by the land acquisition offence violating the rule provisions.

The petitioner had filed clarification application in C.A.7064/2019 in the judgment rendered by the Hon’ble Supreme Court in Tarsem Singh and others Vs. Union of India and the matter is subjudice before the Hon'ble Supreme Court of India. Based on the said orders passed by the Hon'ble Supreme Court, the Arbitrator had awarded solatium with interest. The observation made by the District Collector is not correct and the District Collector ought to have waited till the final outcome of the clarification petition filed by the petitioner, which is pending before the Hon'ble Supreme Court of India.

The 1st respondent District Collector had ordered for payment of interest at 9% and 15% from the date of taking over possession of the lands and requisition. The interest is to be worked out from actual date of taking over possession of the land by the Competent Authority and handed over to the requisitioning body NHAI. After disbursement of the compensation amount to the Land owner, the possession of the land taken would be handed over to NHAI. The Order passed to the District Collector in imposing 9% and 15% interest on the petitioner would incur extra financial burden due to wrong calculation of interest by the Arbitrator. Hence, the Arbitrator's award was sought to be set aside by the petitioner in respect of granting solatium at 30% with further interest for the land acquired.

5) The 1st and the 2nd respondent filed their counter denying the allegations made in the petition and contended that after considering every fact stated in the award and on scrutiny of the documentary evidence and factual positions, the arbitrator has arrived at fair conclusion and passed appropriate order. Thereby, the contention by the petitioner that the award passed deserves consideration and the same is to be declared void is not sustainable. The principles of natural justice have been followed by the 1st respondent and there were no grievance reported by the petitioner during the Arbitration Proceedings with respect to violation of principles of natural justice. There were no stay on the

execution of the Order passed by the Hon'ble Supreme Court in Tarsem Singh Vs. Union of India and others. Therefore, the clarification petition sought for by the petitioners would no way in prevent the arbitrator from passing solatium with interest.

In the said judgment, the Hon'ble Supreme Court has held that the acquisition of lands mandated as per the National Highways Act, 1956 held between 1997 to 2015. The government was directed to award 30% solatium with interest. Thereby, the plea taken by the petitioner deserves no consideration. As per section 3G(2) of the National Highways Act, 1956 payment of compensation to the person affected, who is deprived of land / right in the nature of easement on any land acquired is entitled for solatium at 30 % on the market of the acquired land and interest at 9% and 15% on the aggregate award amount as prescribed under the rule provision. Therefore the provisions are statutorily framed with different basic purposes, which cannot be challenged by the petitioner.

Section 3J of the National Highways Act was newly inserted in the National Highways Act by way of amendment in 1997. The actual date of taking over physical possession of the acquired land has not been maintained in the records. Thereby, the date on which land has been notified u/s.3D (1) of the National Highways Act, 1956 shall be the authentic date of taking actual possession for calculation of interest. Therefore, the 1st and the 2nd respondent prays for dismissal of the petition.

6) **<u>The objection raised by the 3rd respondent in their counter in brief are as follows:</u>**

The District Collector after considering the judgment of the Hon'ble Supreme Court in Tarsem Singh Vs. Union of India as well as the records and the material facts had considered that the 3rd respondent is entitled for enhanced compensation and only to delay the payment of compensation, the present application has been filed by the petitioner to delay the matter. Therefore, the 3rd respondent prays for dismissal of the petition.

7) The points for consideration in the applications:

1) Whether the District Collector being the Arbitrator can modify the Award passed by the Land Acquisition Officer by ordering for solatium and interest to the land acquired under the National Highways Act and whether the points raised by the petitioner in the grounds are sustainable?

2) Whether the interest ordered to be awarded to the 3rd respondent by the 1st respondent District Collector Arbitrator is correct?

8) <u>On Points:</u>

The petitioner counsel filed his written arguments and submitted that they have filed clarification petition before the Hon'ble Supreme Court in Tarsem Singh Vs. Union of India and the matter is now being ceased of by the Hon'ble Supreme Court. Pending adjudication the Arbitrator has passed Award unilaterally without waiting for the result of the matter. Therefore, the award passed by the Arbitrator is void ab-initio and liable to be set aside. The Arbitrator had exceeded his powers in passing award under the provisions of Arbitration and Conciliation Act. The Arbitrator has to either accept the award passed by the Land Acquisition Officer or to reject the same. He has no powers to modify the said order by ordering for solatium with interest. The interest portion ordered by the Arbitrator at the ratio of 9% and 15% from the date of taking possession of the property is also exceeding the powers of the District Collector as the Arbitrator. Hence, the petitioner counsel prays for dismissal of the petition and in other matters also wherein he has not filed written arguments, he had adopted the same argument on his side and given undertaking that he would produce the orders of the Hon’ble Supreme Court if the same is delivered in the due course.

9) The learned Government Pleader for the respondents 1 and 2 has contended that the Arbitrator / District Collector after appreciating the documents as well as the rule position had passed award declaring that the 3rd respondent are entitled for solatium with interest based on the judgment of the Hon’ble Supreme Court in Tarsem Singh Vs. Union of India. The well-considered judgment of the District Collector requires no interference in the Arbitration OP and the learned Government Pleader prays for dismissal of the petition.

10) The 3rd respondent counsel filed his written arguments and also the judgments rendered by the Hon’ble Supreme Court and High Court and also the guidelines given by the Union of India to the National Highways Authorities while passing award for compensation. The learned counsel for the petitioner, who was leading the matter in all the batch matters had contended that the judgment of the Hon’ble Supreme Court of India in Tarsem Singh Vs. Union of India had declared that in acquisition of land relating National Highways matters, the land owners are entitled for solatium with interest and u/s. 34 of the Arbitration and Conciliation Act, the land owners are entitled to seek for the said solatium with interest.

11) Section 3J of the National Highways Act, which restricts the awarding of solatium with interest payable to the land owners was declared to be unconstitutional and all of the points raised by the Land Acquisition National Highways Authority raised in the said SLP were considered by the Hon’ble Supreme Court and the same were rejected by the Hon’ble Supreme Court. In the recent judgment of the Hon’ble High Court, Madras in Project Director Land Acquisition, NHAI, Salem Vs. T.Pazhanisamy, the single judge judgment of Hon’ble High Court had

also held that the land owners are entitled for benefits u/s. 23(1)(A) and 23(2) and 28 of the Land Acquisition Act and the owners are entitled for solatium with interest relying upon the Division Bench judgment of the Kerala High Court. The provisions of Section 3J of the National Highways Act has been declared unconstitutional by the Madras High Court judgment in Chakkrabani's case that had been confirmed by the Hon'ble Supreme Court. The District Collector has rightly passed the award, which requires no interference in the Arbitration petitions. Hence, the learned counsel for the 3rd respondent prays for dismissal of the petitions.

12) The petitioner has no right to challenge the order passed by the District Collector since the Arbitrator has passed appropriate orders following the rules and provisions enunciated in the Act. The Arbitration and Conciliation Act, 1996, Section 34(3) provides that the application for setting aside the award by the Arbitrator must be filed within three months from the date of receipt of the award. But the present appeal is filed belatedly and the same is barred by limitation. Hence, the petition is not maintainable before the court. The 3rd respondent is entitled to get 12% interest per annum on such market value for the period commencing from the date of publication of the notification till taking of possession of the land or to the date of award passed by the awarding Officer.

13) The clarification petition now being filed before the Hon'ble Supreme Court in the case of Tarsem Singh Case never sought for any clarification by the petitioner with respect to payment of 30% solatium and interest to the land losers. The clarification application is actually is filed mainly seeking for clarification regarding the applicability of certain factors in the judgment and the above clarification in no way affects the right of the 3rd respondents' in collecting interest and the solatium. The 1st respondent as an arbitrator has done his duty as per law and he has not

violated any provisions of law. Therefore, the claim of the petitioner is liable to be rejected as the 1st respondent has not committed any error in grant of compensation, solatium and interest. The petition is hopelessly barred by limitation and liable to be dismissed.

14) **The contentions of the petitioner, National Highways Authority before this Court are as under:**

(1). Arbitrator did not follow the mandate contained in Section 3G(7)(a) of National Highways Act and awarded exorbitant amount towards compensation .

(2). Arbitrator violated the provisions contained in Sections 75 and 81 of the Arbitration and Conciliation Act.

(3). Section 3(J) of the Act, postulates that nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act, thus emphatically ousting even a remote possibility of payment of solatium and interest. Section 3G(5) of the Act that provides for assessment and payment of compensation does not provide for payment of solatium and interest.

(4). The Court can set aside the award only on the grounds set out in Section 34(2) of the A and C Act. He would rely on the judgment of the Hon'ble Supreme Court reported in the case of Project Director, National Highways Authority of India -vs- M.Hakeem and Another in 2021 (9) SCC Page 1 to support the above argument and relied on para 48 therein. He would also rely on the judgment reported in 2018(11) SCC Page 328 [Kinnari Mullick and Another -vs- Ghanshyam Das Damani] to submit that at best, the Court can remand the matter back to the Arbitrator by deferring the hearing of the Section 34 petition.

He would therefore submit that in the light of the judgments of the Hon'ble Supreme Court spelling out the powers and restrictions in the exercise of jurisdiction under Section 34 of the A and C Act, the order impugned has to definitely be set aside.

15) The procedure under the Land Acquisition Act, is by its very nature, fraught with delays. Parliament, therefore, in its wisdom, and in the exercise of its powers, decided to prescribe a different procedure for hearing and deciding objections, doing away with the cumbersome procedure of repeated objections, notices, hearings etc. As regards the absence of any provision in the statute for payment of solatium and interest. The learned counsel for the Union of India submits that the special nature and purpose of acquisition, namely, acquisition for national highways, the need to upgrade infrastructure, namely, National Highways is urgent and, therefore, a special purpose that cannot be achieved expeditiously under the Land Acquisition Act. Parliament, therefore, was justified in treating the Amending Act as sufficiently different from acquisition under the Land Acquisition Act so as to deny solatium and interest to landowners. It is further submitted that under the impugned statute the landowners would receive compensation quickly and any disputes attendant thereto would be resolved expeditiously, by an arbitrator. The need, therefore, to provide solatium as a measure of solace was dispensed.

16) **On the other hand, the contentions of the Respondent counsels are as follows:**

(1) The jurisdiction under Section 34 is not an appeal, as the proceedings under Section 34 of Arbitration and Conciliation Act 1996 are summary in nature. Permissibility of interference should be on the following grounds: 1. Arbitrator did not adopt the judicial approach 2. Breach of principles of natural justice 3. Contravention of the statute not linked to the public policy or public interest being patent illegality under Section 34(2A) and 4(1) of the Arbitration and Conciliation Act. There

should be minimal interference in the Arbitral Award save it suffers from patent illegality.

(2) The main thrust of their arguments is their plea, that the absence of a statutory provision, providing for the payment of solatium and interest on the market value of compensation, in the impugned statute, violates Article 14 of the Constitution.

17) I have given my anxious consideration to the submissions made by both the parties.

The salient features of the Act:

The National Highways Authority of India Act, 1988 was amended by incorporating Section 13 and Section 16(h) & (k). Section 13 postulates that any land required by the authority for the discharge of its functions under this Act shall be deemed to be land needed for a public purpose and such land may be acquired for the authority, under the provisions of the National Highways Act, 1956. Section 16(h) provides that the authority may engage or entrust any of its functions to any person on such terms and conditions as may be prescribed. Section 16(k) enables the authority to collect fees on behalf of the Central Government for services or benefits, rendered under Section 7 of the National Highways Act, 1956.

18) The National Highways Act, 1956 was amended, to incorporate Sections 3A to 3J relating to acquisition of land. Acquisition proceedings commence with the issuance of a notification under Section 3A of the Act, followed by the power to enter the land for survey etc. under Section 3B of the Act. Objections are to be heard and decided under Section 3C and a final declaration is issued under Section 3D. Section 3E enumerates the power to take possession, and Section 3F of the Act concludes the provisions for acquisition of land by vesting of the acquired land in the Central Government.

19) Section 3G of the Act prescribes the mode and manner for determining compensation and is the primary cause for the argument that the amending Act is ultra vires of Article 14 of the Constitution of India. Section 3G of the Act reads as follows :—

"3G. Determination of amount payable as compensation.— (1) Where any land is acquired under this Act, there shall be paid an amount which shall be determined by an order of the competent authority. (2) Where the right of user or any right in the nature of an easement on any land is acquired under this Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent of the amount determined under sub-section (1) for that land. (3) Before proceeding to determine the amount under sub-section (1) or sub-section (2), the competent authority shall give a public notice published in two local newspapers, one of which will be in a vernacular language inviting claim from all persons interested in the land to be acquired. (4) Such notice shall state the particulars of the land and shall require all persons interested in such land to appear in person or by an agent or by a legal practitioner referred to in subsection (2) of section 3C, before the competent authority, at a time and place and to state the nature of their respective interest in such land. (5) If the amount determined by the competent authority under sub-section (1) or subsection (2) is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the arbitrator to be appointed by the Central Government. (6) Subject to the provisions of this Act, the provisions of the Arbitration and Conciliation Act, 1996 (26 of 1996) shall apply to every arbitration under this Act. (7) The competent authority or the arbitrator while determining the amount under sub section (1) or sub - section (5), as the case may be, shall take into consideration— (a) the market value of the land on the date of publication of the notification under section 3A; (b) the damage, if any, sustained by the person interested at the time of taking possession of the land, by reason of the severing of such land from other land; (c) the damage, if any, sustained by the person Page: 391 interested at the time of taking possession of the land, by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings; (d) if, in consequences of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such damage."

20) Section 3G(1) of the Act, which is titled as "Determination of amount payable as compensation" prescribes that where any land is acquired, the landowner shall be paid an amount, determined by the competent authority. Section 3G(7) enumerates the factors to be considered while assessing the amount, namely, the compensation i.e market value of the land on the date of publication of the notification under Section 3A, the damage, if any, sustained by the person interested at the time of taking possession of the land by reason of severance of such land from other land, the damage, if any, by reason of the acquisition injuriously affecting the landowner's other immovable property, in any manner or his earnings, and any amount, which the person interested would incur in change of his residence or place of business. These factors are a verbatim reproduction of Section 23(1) of the Land Acquisition Act. A significant departure, however, from the provisions of the Land Acquisition Act is the absence of any provision providing for payment of solatium and interest, and other statutory benefits similar to the provisions contained in Sections 23(1)(A), 23(2) and 28 of the Land Acquisition Act. 74. As regards the Land Acquisition Act, compensation is assessed, by the Collector, under Section 11 of the Land Acquisition

Act. For assessing the value of compulsorily appropriated property, the Land Acquisition Act uses two expressions “market value” and “compensation”. Compensation includes the market value to be assessed in accordance with the principles contained in Sections 23 and 24 of the Land Acquisition Act and statutory amounts as provided by Section 23(1)(A) and Section 23(2) of the Land Acquisition Act, the latter amount being commonly known as solatium. If a party is dissatisfied with the compensation assessed by the Collector, it may file a reference under Section 18 of the Land Acquisition Act, calling upon the Collector to forward the reference to the District Judge for adjudication of the true market value and the compensation. A party aggrieved by a determination by the District Judge may file an appeal before the concerned High Court under Section 54 of the Land Acquisition Act. Where the District Judge enhances the market value and consequently the compensation, the landowner shall be paid amounts enumerated under Section 23(1)(A) of the Land Acquisition Act (i.e the amount of 12%) and Section 23(2) (i.e the solatium) and under Section 28 interest on the enhanced compensation. Compensation, thus, includes the market value along with solatium and interest.

21) **<u>Sec.3-J and Constitutionality – The Journey:</u>**

In the recent judgment of the Hon’ble High Court Madras the march of law on the constitutional validity of Section 3 J was traced. The same is referred below for the purpose of understanding the potion of law in a better footing.

22) The constitutional validity of Section 3-J was first called into question before the Karnataka High Court in Lalita v Union of India [ILR 2002 Karnataka 259]. Following the judgments of the Hon’ble Supreme Court in Vajaravelu Mudaliar v Special Deputy Collector, Madras [AIR 1965 SC 1017] and Nagpur Improvement Trust v Vithal Rao [AIR 1973

SC 689], the Karnataka High Court, by an order in W.P.Nos.697, 701, 716, 721, 722, 724, 725 & batch cases etc., dated 11.10.2002, struck down Section 3-J as violative of Article 14 of the Constitution. However, in 2005 a Division Bench of the Rajasthan High Court in Banshilal Samariya v Union of India [2006 Supp R.L.W 559] dissented from the view of the Karnataka High Court and upheld the validity of Sec.3-J, partly on account of the fact that the decision of the learned single judge of the Karnataka High Court had been stayed by a Division Bench of the same Court in W.A 6115- 17 of 2002. A few years later, a similar challenge arose before the Punjab and Haryana High Court in Golden Iron and Steel Forging vs Union of India [2008 SCC Online P&H 498], and a Division Bench of the said Court struck down Sec.3- J of the Act as violative of Article 14. Its reasoning was along the lines of Karnataka High Court in Lalita case.

23) Following the judgment in Golden Iron and Steel case [2008 SCC Online P&H 498], Single Judge bench of Hon’ble High Court of Madras had struck down Section 3-J of the Act in Chakrapani v Union of India [(2011) 7 MLJ 858]. Both the Golden Iron and Steel case and Chakrapani case have held that in an acquisition proceedings under the National Highways Act, land owners would be entitled to solatium and interest as under the Land Acquisition Act, 1894. The judgment of the Hon’ble Single Judge in Chakrapani case was, however, stayed by a Division Bench in W.A.Nos. 2359 to 2388 of 2011.

24) In the meantime, the NHAI challenged the judgment of the Punjab and Haryana High Court in Golden Iron and Steel Forging vs Union of India in Civil Appeal 10695 of 2011. The order of the learned Single Judge of the Madras High Court in Chakrapani case too was directly assailed by the NHAI before the Supreme Court. By an order dated 03.01.2014, the Supreme Court granted leave, and tagged the

matter [Civil Appeal 129-159 of 2014, pertaining to Chakrapani batch of cases] along with the other batch of cases from the Punjab & Haryana High Court.

25) On 21.07.2016, the Hon'ble Supreme Court disposed of Chakrapani batch of cases after recording a statement of the Solicitor General of India that the solatium would be paid to the land owners in that batch of cases. However, the other batch of cases from the Punjab & Haryana High Court was kept pending.

26) In the meantime, two appeals, one from the Delhi High Court and another batch cases etc., from Punjab and Haryana High Court, came before the Supreme Court. In the case arising from the Delhi High Court, a learned Single Judge of the Court had closed the writ petition recording the submission of the NHAI that the outcome of the decision in Golden Iron & Steel batch of cases would endure to the benefit of the petitioners before the Delhi High Court as well. Challenging the same, the landowner went on an appeal. The Supreme Court vide an order dated 11.08.2016 did not choose to interfere with the order of the Delhi High Court, but noted that the Golden Iron and Steel batch of cases was pending consideration before it.

27) However, by an order in Sunita Mehra & another Vs Union of India & Others [(2019) 17 SCC 672], the Hon'ble Supreme Court dealt with another batch of cases from Punjab & Haryana High Court. The Supreme Court directed as under:

> "Accordingly, it is directed that the award of solatium and interest on solatium should be made effective only to proceedings pending on the date of the High Court order in Golden Iron & Steel Forging v. Union of India [Golden Iron & Steel Forging v. Union of India, 2008 SCC OnLine P&H 498] i.e. 28-3-2008. Concluded cases should not be opened. As for future proceedings, the position

would be covered by the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (came into force on 1-1-2014), which Act has been made applicable to acquisitions under the National Highways Act, 1956 by virtue of notification/order issued under the provisions of the 2013 Act.”

28) The Golden Iron and Steel batch of cases finally came up for disposal on 26.10.2016. However, it appears that the NHAI entered into a compromise with the landowners and the appeals were ultimately withdrawn vide Order dated 03.08.2017. In view of the above, the correctness of the decision in Golden Iron and Steel Forging vs Union of India [2008 SCC Online P&H 498] was never tested before the Hon'ble Supreme Court.

29) Meanwhile, relying on the order of the Hon'ble Supreme Court in Chakrapani case, the Hon’ble High Court Madras vide its order dated 06.03.2018 in WP 1654 of 2018 batch of cases directed the Union of India to pass appropriate orders for payment of solatium and interest The NHAI assailed this order in a batch of intra court appeals in Union of India Vs M. Pachamuthu [W.A 62 of 2019 batch of cases] before the Honb’le Division Bench. The Court vide its Order dated 26.03.2019, rejected the contention of the NHAI that the benefit of the orders in Chakrapani case would be available only to the petitioners before the Supreme Court. The Division Bench was categorical when it held that the claim for solatium is maintainable.

30) Sensing perhaps the potential implications of its strategy in seeking the Court to confine the benefit of the aforesaid order of the Hon’ble Division Bench dated 26.03.2019, the NHAI approached the Hon'ble Supreme Court to clarify its the order dated 21.07.2016 that it

had passed earlier in Chakrapani batch of cases. This attempt however, backfired on the NHAI when the Hon'ble Supreme Court through its Order dated 26.07.2019, not only dismissed the clarification petition filed by the NHAI, but also granted liberty to the landowners to "derive advantage from any other order of the High Court".

31) Now arrives the Tarsem Singh v Union of India [(2019) 9 SCC 304] in which the Hon'ble Supreme Court struck down Section 3-J of the National Highways Act as unconstitutional. This decision penetrated through the comfort that NHAI has been hitherto was enjoying under the legislative shade. It now cannot deny the landowners of their right to be treated equally with those who lose their land under the Land Acquisition Act, 1894. The Hon'ble Supreme Court affirmed the judgments of Karnataka, Punjab & Haryana and Madras High Courts, and overruled the judgment of the Rajasthan High Court. In particular, the Supreme Court has taken notice of the concession made by the Solicitor General in Chakrapani batch of cases and also the order passed in Sunita Mehra case [(2019) 17 SCC 672], and observed:

"52. There is no doubt that the learned Solicitor General, in the aforesaid two orders, has conceded the issue raised in these cases. This assumes importance in view of the plea of Shri Divan that the impugned judgments should be set aside on the ground that when the arbitral awards did not provide for solatium or interest, no Section 34 petition having been filed by the landowners on this score, the Division Bench judgments that are impugned before us ought not to have allowed solatium and/or interest. Ordinarily, we would have acceded to this plea, but given the fact that the Government itself is of the view that solatium and interest should be granted even in cases that **arise between 1997 and 2015**, in the interest of justice we decline to interfere with such orders, given our discretionary jurisdiction under Article 136 of the Constitution of India.

We therefore declare that the provisions of the Land Acquisition Act relating to solatium and interest contained in Sections 23(1-A) and (2) and interest payable in terms of Section 28 proviso will apply to acquisitions made under the National Highways Act. Consequently, the provision of Section 3-J is, to this extent, violative of Article 14 of the Constitution of India and, therefore, declared to be unconstitutional. Accordingly, appeal arising out of SLP (C) No. 9599 of 2019 is dismissed."

32) The Vires of Sections 3J and 3G(A), excluding the applicability of the provisions of National Highways Act, was assailed before the High Court of Punjab & Hariyana and by the judgment rendered in Golden Iron and Steel Forging v. Union of India [2008 SCC OnLine P&H 498], the provisions of Sections 3J and 3G of NHA Act were quashed.

33) The aforementioned judgment, along with other matters reached the Supreme Court and in Union of India and Another v. Tarsem Singh. By noticing rival contentions and all the judgments on the point, much less the provisions of Article 31-C and 300A of the Constitution of India, it was declared that the provisions of the Land Acquisition Act relating to solatium and interest contained in Sections 23(1-A) and (2) and interest payable in terms of Section 28 proviso will apply to acquisitions made under the National Highways Act as the provisions of Section 3J were discriminatory and unconstitutional. The aforementioned judgment was rendered on 19.9.2019.

34) Paragraph 52 of the said judgment reads thus: "52. There is no doubt that the learned Solicitor General, in the aforesaid two orders, has conceded the issue raised in these cases. This assumes importance in view of the plea of Shri Divan that the impugned judgments should be set aside on the ground that when the arbitral awards did not provide for

solatium or interest, no Section 34 petition having been filed by the landowners on this score, the Division Bench judgments that are impugned before us ought not to have allowed solatium and/or interest. Ordinarily, we would have acceded to this plea, but given the fact that the Government itself is of the view that solatium and interest should be granted even in cases that arise between1997 and 2015, in the interest of justice we decline to interfere with such orders, given our discretionary jurisdiction under Article 136 of the Constitution of India. We therefore declare that the provisions of the Land Acquisition Act relating to Solatium and interest contained in Sections 23(1-A) and (2) and interest payable in terms of Section 28 proviso will apply to acquisitions made under the National Highways Act. Consequently, the provision of Section 3-J is, to this extent, violative of Article 14 of the Constitution of India and, therefore, declared to be unconstitutional. Accordingly, appeal arising out of SLP (C) No. 9599 of 2019 is dismissed."

35) The aforementioned judgment also noticed the judgment of Hon'ble Supreme Court in Narain Das Jain v. Agra Nagar Mahapalika [(1991) 4 SCC 212], wherein it was held that grant of interest on solatium is a matter of right for land owners as it amounts to re-compensate for loss of user of land or it is sum paid for delayed payment of compensation. Solatium being part of compensation must therefore, held to be fetching a statutory interest from the date of dispossession of the land owner till date of payment.

36) In Golden Iron and Steel Forging v. Union of India, it was also held that solatium is not a largesse or a mere subsidy that the State doles out to a hapless landowner in discharge of some benevolent exercise of governmental power. Solatium is an amount, paid by the State to an unwilling land owner, for compulsory appropriation of his property. Solatium draws its meaning from the word "solace".

37) In certain pending issues before the Supreme Court, owing to the promulgation of ordinance regarding the applicability of the provisions of 2013 Act, to the acquisitions under National Highways Act, the Government conceded that the land owners would be entitled to solatium and interest as envisaged under sections 23 and 28 of Land Acquisition Act. This was so noticed in paragraph 6 of National Highways Authority of India v. RLF Industries Ltd., in Civil Appeal No.8874-8883 of 2013, which reads as follows: "6. The only point agitated before us by the learned Solicitor General is that in paragraph 23 of the impugned judgment of the High Court, it has been held that land-owners would "henceforth" be entitled to solatium and interest as envisaged by the provisions of Sections 23 and 28 of the Land Acquisition Act, 1894. In the ultimate paragraph of the impugned judgment it has, however, been mentioned that in respect of all acquisitions made under the National Highways Act, 1956, solatium and interest in terms similar to those contained in Sections 23(2) and 28 of the Land Acquisition Act, 1894 will have to be paid."

38) Granting of a statutory benefit is intrinsic and therefore, when the Arbitrator or competent authority or objecting court fails to grant the same, it would not amount to modification of the Award.

39) This point was considered by Bombay High Court, noticing the judgment of M.Hakkeem, in Shri Sarjuprasad and Others v. National Highways Authority of India and Others [2022 (1) Mh.LJ 290], wherein the learned District Court, Nagpur, while exercising power under Section 34 of the 1996 Act, 'modified the award' passed by the Arbitrator by directing payment of interest @12% per annum as per the provision of Section 23(1-A) of the 1894 Act and further granted interest @9% in terms of Section 28 of 1894 Act. Apart from this, other modifications were also done viz. directed payment of 30% solatium while directing

10% amount for loss of easement rights. The said grant of interest was challenged before the Bombay High Court by National Highway Authority vide Arbitration Appeal Nos.35 of 2019 and 36 of 2019. 28.

40) In paragraph Nos.13, 15, 20, 21 and 28 of the said judgment, the Bomaby High Court held as under:

"... (13) Heard learned counsel for the rival parties and perused the material on record. Since the learned Senior Counsel appearing for the land owners on instructions has stated that the land owners are not pressing relief on the basis of the Right to Fair Compensation Act, this Court is not called upon to consider the said contention. As regards the other contentions raised on behalf of the rival parties in these appeals, it is necessary to peruse the impugned judgments and orders passed by the District Court. A perusal of the operative portion of the said judgments and orders shows that the District Court has categorically held that the Awards are not set aside, but they are modified by directing that the land owners would be paid 30% amount of the Award as solatium, 12% of the amount of compensation as per Section 23(1- A) of the Land Acquisition Act and interest @9% in terms of Section 28 of the Land Acquisition Act. It is also specifically directed that the amount of 10% granted to the land owners under Section 3-G(2) of the Act of 1956, towards loss of easementary rights would be deducted. The District Court has thus specifically modified the Awards, while exercising power under Section 34 of the Arbitration Act.

… (15) Therefore, there is substance in the contention raised on behalf of the acquiring body that the District Court could not have modified the Award under Section 34 of the Arbitration Act. But, it needs to be examined as to whether the operative portion of the impugned Judgments and Orders passed by the District Court actually modifies the Award or not. This is in the backdrop of the contention raised on behalf of the land owners that when the District Court, while exercising power under Section 34 of the Arbitration Act, has only recognized and granted statutory benefits under the provisions of the Land Acquisition Act, which flow from grant of compensation, it cannot be said that the Award has been modified by the District Court. In fact, it is contended that the only modification in the Award is deprivation of 10% of compensation under Section 3- G(2) of the Act of 1956, as granted under the Award and that therefore, only the said portion needs to be set aside as per the law laid down by the Hon'ble Supreme Court in the aforesaid recent judgment in the case of The Project Director, NHAI vs. M.Hakeem (supra).

… 20) Thus, the declaration of law made in the above quoted paragraph of the judgment of the Hon'ble Supreme Court in the case of Union of India vs. Tarsem Singh (supra) has been clarified to specifically state that the provision of Section 23(1-A) of the Land Acquisition Act shall not be applicable to compensation paid when acquisition is undertaken under the Act of 1956. Consequently, the declaration of law contained in the above quoted paragraph of the said judgment of the Hon'ble Supreme Court would mean that the provisions of the Land Acquisition Act regarding solatium under Section 23(2) and payment of interest on excess compensation under Section 28 of the Land Acquisition Act, would be applicable to such acquisitions made under the Act of 1956.

… (21) The position of law laid down by the Hon'ble Supreme Court in the above quoted paragraph in the case of Narain Das Jain vs. Agra Nagar Mahapalika (supra), would show that payment of solatium and interest under the aforesaid provisions i.e. Section 23(2) and 28 of the Land Acquisition Act, would spontaneously spring up and become payable to the land owners, once the compensation as per market value stands determined. Therefore, to that extent when the District Court in the impugned judgments and orders directed payment of solatium and interest under clauses (i) and (iii) of the operative portions of the orders, it cannot be said that there was modification of the Award, even though the District Court while recognizing grant of such amounts stated that the Award was being modified.

... (28) In view of the above, all the four appeals are partly allowed and it is held as follows: -

(A) The Arbitration Award passed by the Arbitrator and confirmed by the District Court in the impugned order is upheld and the impugned judgments and orders are interfered with only to the extent that the direction of deducting 10% of compensation for loss of easementary rights under Section 3-G(2) of the Act of 1956, is set aside and further the direction to pay amount under Section 23(1-A) of the Land Acquisition Act in Clause (ii) of the impugned orders is set aside, as these directions amount to modification of the Arbitration Award.

(B) The direction in Clause (i) to pay solatium and direction in clause (iii) for payment of interest are upheld, since they are held not to be modifications of the Arbitration Award, but instead recognition of statutory amounts payable to the land owners upon determination of compensation as per market value, which automatically flow to the land owners upon determination of such compensation."

Against the order of Bombay High Court, SLPs bearing Nos.8629 of 2022 and 8835 of 2022 were preferred, which have been dismissed by the Hon'ble Supreme Court vide judgment dated 11.7.2022.

41) Even after the judgment in Tarsem Singh (supra), National Highways Authority had been challenging grant of interest/solatium, without noticing the fact that the counsel representing them had conceded the applicability of the provisions of 1894 Act viz., grant of solatium interest and interest under Sections 23(1-A) & (2) and 2 and 28 of 1894

Act, brought into effect from 2015, fully knowing well that land owners have given the said benefit in respect of the acquisitions effected between 1997 and 2015. 32. The Civil Appeal No.4671 of 2022 arising out of SLP.No.19775 of 2021, National Highways Authority of India v. Sri. P. Nagaraju @ Cheluvaiah & Another was dismissed vide judgment dated 11.7.2022.

42) Post Chakrapani case, the Hon’ble Supreme Court passed an order in Sunita Mehra case [(2019) 17 SCC 672], and had directed payment of solatium and interest only for cases pending on the date of the judgment of the Punjab & Haryana High Court in Golden Iron & steel case. Despite this, the Supreme Court, in Tarsem Singh case, has held that the Government itself was of the view that solatium and interest should be granted for acquisitions **between 1997 and 2015**. In other words, the Hon’ble Supreme Court did not consider it fit to confine the relief to those cases pending on 28.03.2018, the date on which Punjab High Court passed its order in Golden Iron & Steel Forging v. Union of India [2008 SCC OnLine Punjab &Haryana 498].

43) The consequences flowing from Tarsem Singh were examined and relied on by a Division Bench of the Hon’ble Madras High Court in Gandhimathi v The District Collector [W.A.(MD) 1680 of 2018]. The NHAI‘s efforts to assail this Order before the Supreme Court were in vain when the Court rejected it in limine vide its Order dated 25.02.2021. Therefore, the statutory obligation to pay solatium and interest has moved far beyond the orbit of Court hall debates.

44) **The rationale behind the dictum in the Tarsem Singh case in striking down Section 3-J is:**

> “Thus, a classification made between different sets of landowners whose lands happen to be acquired for the purpose of National Highways and landowners whose lands are acquired for

other public purposes has no rational relation to the object sought to be achieved by the Amendment Act i.e. speedy acquisition of lands for the purpose of National Highways.

45) On this ground alone, the Amendment Act falls foul of Article 14. In such cases, a Constitutional Court has a paramount duty to remedy the injustice done to the landowner as was explained in Narain Das Jain v. Agra Nagar Mahapalika [(1991) 4 SCC 212], in the following words :

> “Since the award of solatium is in consideration of the compulsory nature of acquisition, it is a hanging mandate for the court to award and supply the omission at any stage where the Court gets occasion to amend or rectify. This is the spirit of the provision, wherever made."

46) There is another way of approaching the issue. Is awarding solatium and interest an obligation of the State, or is it a vested right of the land owners? The concept of the State as understood by political philosophy or as a jurisprudential creation is an entity where the authority converged. There is a paradigm shift in the concept of a State when democracy replaced the monarchies and the oligarchies. In a democracy the State and its instrumentalities are a manifestation of the collective consciousness of its people. The power to acquire lands in public interest springs from this. Both constitutionally and statutorily, the power of acquisition can no more be construed as an absolute power of the State, but is a privilege hedged by a statutory liability and obligation to pay compensation.

47) There is no need for a demand. But there still exists a duty to pay solatium and interest. In other words, the power of acquisition is onerous, and the State cannot sever that part which is to its advantage

from the other onerous part of the acquisition: that which requires payment of compensation including solatium and interest. In K. Sudarsan v. Commissioner, Corporation of Madras [AIR 1984 Madras 292], Honb'le Justice S.Padmanabhan.J., held as under:

"24. The next question for consideration is whether the writ petitions for the issue of a writ of Mandamus have to be dismissed on the ground that there has been no demand and refusal. The rule which requires a demand and a refusal before an individual could move the Court for the issue of a Writ of Mandamus is not an absolute or inflexible rule. The rule is to ensure that the defaulting authority gets an opportunity of knowing what was required of him to do and for deciding whether he would do it of his own motion without being compelled by the Court. If the defaulting authority is made aware of the default or the irregularity complained of and had an opportunity of rectifying the defect or omission, no formal demand will be necessary. If it appears on the facts and circumstances of the case that the defaulting authority is already aware of the illegality charged against him and he is pursuing it, it would be an exercise in futility to make a demand for justice. In such a case no prior demand is required. Further, where there has been a breach of a public duty on the part of the State or a Public Officer, affecting by its consequence, the general interests of the public and where such duty was one imposed by a statute, it is not necessary that demand for justice should be made before the Court is moved for relief against the breach by way of a Writ of Mandamus. In such cases, the command of the statute must be deemed to be the demand and the failure to obey the demand is refusal. The individual who wants to compel the authority to perform the duty enjoined on him by statute need not add his own demand to the command of the law. All that he need to show is that the duty is not carried out by the public authority and if he succeeds in so showing it will amount to a refusal to comply with the demand." This decision was confirmed by the First Bench of this Court in M.A Pal Mohammed v R.K Sadarangani [AIR 1985 Madras 23]. Thus, where there is a statutory obligation to pay compensation which includes solatium and interest, the State or its instrumentalities cannot shirk its responsibilities on the grounds of acquiescence and waiver.

48) The NHAI appears to be oblivious of the fact that payment of compensation is not the same as the consideration paid under a conveyance between two private parties. The Constitution interdicts the State and its instrumentalities from treading on the territories which may imperil the right to life of the citizen unless there is a statutory sanction to support it. Hence, it is unfortunate that NHAI as an instrumentality of the State should reduce itself to defend payment of solatium and interest for the compulsory acquisition on a plea of waiver. This plea must necessarily fail.

49) The Central Government acquires land under the National Highways Act, 1956 for a public purpose, namely, for the National Highway Authority of India, to develop, manage, maintain and operate national highways. What the National Highway Authority does with the land, namely, proceeds to construct, develop, manage, maintain and operate the highway itself or entrusts the aforementioned functions to private individuals is of no concern to the landowner and irrelevant for the public purpose in so far as it relates to acquisition of land or for the assessment of compensation.

50) Prior to amendment of the aforementioned statutes by Act No. 16 of 1997, the Central Government acquired land for construction of national highways through a State Government by invoking the provisions of the Land Acquisition Act. The Central Government expended money, as provided by Section 7 of the National Highways

Act, 1956 and Section 8- A of the National Highways Act, 1956 enabled it to enter into any agreement with any person for development and maintenance etc of any national highway or a part thereof. Section 16(2)(k) of the National Highways Authority of India Act, 1988, empowered the authority to collect fees on behalf of the Central Government for services or benefits rendered under Section 7 of the National Highways Act, 1956 and levy and recover fees for the construction etc of the national highway. Sections 14 and 15 of the National Highways Authority of India Act, 1988 allowed the authority to enter into and perform any contract necessary for the discharge of its functions under this Act. This court fail to comprehend as to how upon transfer of the right to build, maintain, manage and operate national highways to private persons, and grant to them of the right to recover their investment with reasonable profit, a right already available to the Central Government under Section 8A of the National Highways Act, 1956 read with Sections 14, 15 and 16(2) of the National Highways Authority of India Act, 1988, would alter the public purpose as to suddenly disclose an intelligible differentia based on a reasonable classification so as to justify the apparent discrimination between two sets of equally situated landowners. A person who loses his land, has no concern with the mode of the execution of the project, financial arrangements relating thereto and the arrangement between the National Highway Authority of India and any private party. To hold otherwise, in our considered opinion, would uphold a statutory provision that perpetuates discrimination.

51) Solatium is not a largesse or a mere subsidy that the State doles out to a hapless landowner in discharge of some benevolent exercise of governmental power. Solatium is an amount, paid by the State to an unwilling land owner, for compulsory appropriation of his property. The word solatium draws its meaning from the word “solace” that is

comfort money given as a statutorily recognized gesture of conciliation for compulsorily depriving a land owner of his property. The importance of “solatium” cannot be over emphasized and any departure Page: 394 therefrom would, in our considered opinion, be justified only where the enactment discloses a reasonable classification for treating land owners differently. Solatium forms an integral component of compensation and, therefore, can only be denied where the statute satisfies the tests of valid classification.

52) Therefore, Hon’ble Supreme court had struck down Section 3J and Section 3G of the Act as arbitrary, irrational and violative of Article 14 of the Constitution, in so far as they deny payment of solatium and interest and hold that landowners, who are compulsorily divested of their property under the impugned statute would henceforth be entitled to solatium and interest as envisaged by the provisions of Section 23 and Section 28 of the Land Acquisition Act.

53) **<u>Solatium and its implication:</u>**

In the judgment reported in 1991 (4) SCC Page 212 [Narain Das Jain (Since deceased) by LRs -vs- Agra Nagar Mahapalika, Agra], the Hon'ble Supreme court had described solatium as follows:-

> "6. ..... Solatium, as the word goes, is "money comfort", quantified by the statute, and given as a conciliatory measure for the compulsory acquisition of the land of the citizen, by a welfare State such as ours. The concern for such a citizen was voiced by the Law Commission of India in its Report submitted in 1957 on the Need for Reform in the Land Acquisition by observing as follows: "We are not also in favour of omitting Section 23(2) so as to exclude solatium of 15 per cent for the compulsory nature of the acquisition. It is not enough for a person to get the market value of

the land as compensation in order to place himself in a position similar to that which he could have occupied had there been no acquisition, he may have to spend a considerable further amount for putting himself in the same position as before ..... As pointed out by Fitzgerald the community has no right to enrich itself by deliberately taking away the property of any of its members in such circumstances without providing adequate compensation for it. This principle has been in force in India ever since the Act of 1870."

54) The Hon’ble Bench also went on to state that solatium automatically followed the market value of land as a shadow would a man. The Bench observed that there is no discretion with the Court to not award it. The Bench held as follows:-

"7. The importance of the award of solatium cannot be undermined by any procedural blockades. It follows automatically the market value of the land acquired, as a shadow would to a man. It springs up spontaneously as a part of the statutory growth on the determination and emergence of market value of the land acquired. It follows as a matter of course without any impediment. That it falls to be awarded by the court "in every case" leaves no discretion with the court in not awarding it in some cases and awarding in others. Since the award of solatium is in consideration of the compulsory nature of acquisition, it is a hanging mandate for the court to award and supply the omission at any state where the court gets occasion to amend or rectify. This is the spirit of provision, wherever made."

55) In the case of T. Chakrapani (supra), the Court had described solatium as follows:-

"21. The petitioners also placed reliance on the judgment of the Hon'ble Punjab & Haryana High Court in the case of Golden Iron & Steel Vs. Union of India and ors. (CWP.No.11461 of 2005), decided on 28.03.2008. The Hon'ble High Court of Punjab and Haryana also held Section 3-J to be violative of Article 14 of the Constitution of India.

56) It was held by the Hon'ble Punjab and Haryana High Court as under:

"... ... Solatium is not a largessee or a mere subsidy that the State doles out to a hapless landowner in discharge of some benevolent exercise of governmental power. Solatium is an amount, paid by the State to an unwilling land owner, for compulsory appropriation of his property. The word solatium draws its meaning from the word solace that is comfort money given as a statutorily recognized gesture of conciliation for compulsorily depriving a land owner of his property. The importance of solatium cannot be over emphasized and any departure therefrom would, in our considered opinion, be justified only where the enactment discloses a reasonable classification for treating land owners differently. Solatium forms an integral component of compensation and, therefore, can only be denied where the statute satisfies the tests of valid classification. ... "

57) In this case, an argument was put forward on behalf of the petitioner that once the right to property is not fundamental, solatium and interest cannot be claimed as a matter of right like how the land owner is entitled to compensation for the land acquired. This argument was not accepted and the court went on to hold that Section 3 J results in discrimination to land owners whose lands are acquired under the NH Act and those acquired for public purpose and was therefore violative of Article 14 of the Constitution of India.

58) Therefore, a reading of the above judgments clearly highlights that the additional market value at 12%, solatium at 30% and interest are an integral part of the award which does not require a land owner to plead to be paid the above. In the case on hand, these amounts have been rightly given to the land owner by the Arbitrator. As discussed earlier, the payment of solatium etc., is compulsory and as held in the case of Tarsem Singh supra payable even in the absence of a specific plea or proof.

59) It is no doubt a fact that the Hon'ble Supreme Court in the judgment in 2021 (9) SCC Page 1 [The Project Director, National Highways No.45 E & 220 National Highways Authority of India Vs. M.Hakeem and another] has held the power to modify an award under Section 34 is not available to the Courts. However in Paragraph 49 of the said judgment, it is observed as follows:

> "49. ......Also, we cannot shut our eyes to the fact that the arbitrator has awarded compensation on a completely perverse basis i.e. by taking into account "guideline value" which is relevant only for stamp duty purposes, and not taking into account sale deeds which would have reflected the proper market value of the land. Given the fact that the awards in all these cases are therefore perverse, the District Judge rightly interfered with the same."

60) **<u>Plea of functus officio by the arbitrator:</u>**

The NHAI contends that neither the CALA nor the Statutory Arbitrator can entertain any representation of the petitioners for payment of solatium and interest since on passing their respective awards, these authorities have become functus officio. It is already demonstrated that neither of these authorities have any power to decide on the solatium and interest, nor have they decided the issue before. So far as the present plea goes, an authority will become functus officio only as concerning matters which fall within the domain of their authority to decide. Since, solatium and interest fall outside their jurisdiction, they will not become functus officio if they are now required to perform anything in view of the Tarsem Singh case.

61) The issue can be viewed from another angle. If Sec.3-J were not there in the statute book, the CALA would have done exactly that which their counterparts under the Land Acquisition Act, 1894, would be under a compulsion to do: to add the solatium and interest to the market value of the property acquired. When the constitutionality of Sec.3-J was challenged from Lalita case of the Karnataka High Court (from where it all started) to Tarsem Singh case, notwithstanding the Chakrapani ratio or the Sunita Mehra ratio of the Hon'ble Supreme Court delivered in the interregnum, the NHAI could play an excuse-card to deny payment of solatium and interest. Not any longer after the Tarsem Singh case. If the Courts are the guardian of the Fundamental Rights of the citizens, and if the compensation (including solatium and interest) as a concept are integral to the right to property and hence right to life, a duty is upon the Courts not to reduce themselves to Constitutional irrelevancy in letting the NHAI bask under the comfort of its core-misconception.

62) The message is that the land owners shall not be treated in equally in two different enactments (the Land Acquisition Act and the National Highways Act) as it violates Article 14 of the Constitution. The correction is in declaring Sec.3-J unconstitutional; and the instruction is to treat the land owners under the National Highways Act equally with the land owners under the Land Acquisition Act, implying thereby that the former set of landowners should be paid solatium and interest as is being given to the latter. And, to repeat Tarsem Singh case did not provide for prospective application of its dictum.

63) The NHAI appears to believe that solatium and interest are rights that statute has vested in the land owners, that it is available only on demand (the right part of the statement), but to its disappointment, it is not. It is a liability associated with the State's power to acquire land. A land owner does not approach the State to acquire his/her/its land, but the State does it against the former's will. The State that goes to take over private property is required to meet a certain liability. It is a statutory obligation which requires no correlative right in a land owner for discharging it. Now, for the State to discharge its liability-the statutory obligation, why should there be demand? This precisely was the foundation of the dictum in K.Sudarsan's case [AIR 1984 Madras 292]. And limitation and laches operates where there is a need for demanding something based on a certain right. Therefore any contention of the State and its instrumentalities, whose legitimacy, to remind, is sourced out of the power that the people grants, that they would perform their statutory obligations only on demand smacks of Constitutional immorality. Solatium and interest are facets of the fundamental right to life. If solatium and interest are part of the compensation, and if compensation is integral to Article 300-A of the Constitution, and if Art.300-A is readable in Article 21, and if the citizens have a right not to be treated in equally or arbitrarily under Art.14, then the right of the land owner is not the right to solatium and interest, but a right not to be denied the same. And, this right has always been there in the land owners. They, as components of compensation, ensure that the quality of life is not disproportionately impacted by the acquisition of land. Hence, as a critical factor of fundamental right to life, right to be paid the solatium and interest cannot be waived. That which cannot be waived can rarely be lost to limitation. If the NHAI considers that Tarsem Singh case has conferred a right not previously available to the landowners, then its understanding is

horrendously wrong. Tarsem Singh case did not confer a right, instead it removed an obstruction that denied the citizens of their right to be treated equally with the landowners under the Land Acquisition Act, and reminded the State of its obligation to pay solatium and interest. A representation of the landowner to pay compensation therefore, is a reminder merely to perform this obligation. This realisation was forced on the NHAI in the Tarsem Singh case, but only it is in a refusal mode to understand it.

64) Fully knowing all these provisions and judgments, it has become a common practice that National Highways Authority of India, unnecessarily is burdening the courts with spate of litigations, putting the State Exchequer at peril causing delay in disbursement of interest and compensation thereon. Not only this, even when delayed payments are released, the element of interest increases exponentially, which also causes a big hole in the pocket of bona fide tax payers. If the National Highway takes appropriate advice, it would save the cost of litigation and would avoid the burden of payment of heavy interests. It could have a great impact in saving the economy of the country.

65) This court on seeing the batch of cases involved in the acquisition proceedings, the parties are agitating the matter since 2010 had referred the matter to District Legal Services Authority with a special indication to the petitioner being the DGM (T) Project Director, National Highways Authority of India, Coimbatore to participate in the Lok Adalath Proceedings to amicably settle the matter if possible. For the same, the petitioner by his communication letter in NHAI / 11018 / 29/ RO Chennai / 3049, dated: 28.09.2022 had expressed that there were no instructions from the National Highways Authority for them to participate in the Lok Adalath proceedings. The matter was also intimated to the Member Secretary, National Legal Services Authority with respect to the

communication addressed by the petitioner that they were not instructed by the National Highways Authority to participate in the Lok Adalath conducted by the District Legal Services Authority.

66) The National Highways Authority being the Authority constituted by the Government of India is duty bound to provide just compensation to the land owners, from whom, properties have been compulsorily acquired. The petitioner had refused to participate in the Lok Adalath proceedings and continue to contest the matter before the court, unnecessarily burdening the courts with the litigation and also putting the states exchequer at peril causing delay in disbursement of additional compensation ordered by the Arbitrator. Even before the court also, the petitioner was delaying the argument of the matter stating that the matter is subjudiced before the Hon'ble Supreme Court and had not filed their written arguments in all the batch of cases except in few matters.

67) Jurisdiction available to court Under Section 34 of the Arbitration Act for interfering with the impugned award:

The Amendment Act of 2015 brought about significant changes in Section 34 of the Arbitration Act. In the light of the judgment of the Hon'ble Supreme Court concerning the scope and width of the powers of the court under Section 34 of the Arbitration Act for interfering with the Arbitral Award. Based on the report of the Law Commission, the amendment was introduced to provide speedy justice of cases relating to arbitration with the least courts intervention and 176 report of the Law Commission had recommended for certain amendments in the Arbitration Act, which would facilitate and encourage alternative dispute mechanism especially arbitration for settlement of disputes in more user friendly, cost effective, expeditious disposal of cases since India is committed to improve it's legal framework to obviate in disposal of cases. Thereby, the amendment introduced in the year 2015 reduces the scope of interference in the arbitral award and the liberal approaches indicated in some of the judgments of the Hon'ble Supreme Court were nullified by the amendment. Thereby, only when the award is contrary to public policy of India, contrary to the fundamentals as held in paragraph 18 and 27 of the associated builders case of the Hon'ble Supreme Court or in the circumstances when the award is against basic notions of justice or morality as held in paragraphs 36 to 39 of the associate builders case are as explained under Section 34(2) B (ii) and explanation 2 to Section 48 (2) B(ii). Therefore, only when there is a patent illegality appearing on the face of the award, which refers to such illegality as it goes to the root of the law. But which does not amount to mere erroneous application of the era, the same cannot be a ground to set aside an arbital award. Therefore, in order to fully appreciate the effect of the amendment to Section 34 of the said Act, an arbitral award may be set aside by the court only if the party making the application establishes on the basis of the record of the Arbitral Tribunal that a party was under some incapacity or the arbitral agreement is not valid under the law, to which the parties have subjected it, the party making the application was not given proper notice of the appointment of an arbitration or of the arbitral proceedings or was otherwise unable to present this case. The Arbitral award deals with the dispute not contemplated by or not falling within the terms of the arbitration.

68) The composition of the Arbitral Tribunal or the arbitral procedure was not in accordance with the agreement of the Parties. The Arbitral award is in conflict with public policy of India in violation of fundamental policy or violation of Section 75 or 81 of the Act. Within three months from the date of said award, the application for setting aside the same shall be laid under Section 34 of the Act. Therefore, the

Amendment Act specifically prohibits review of the order passed by the Arbitrator on merits of the dispute while testing an award on the ground of contravention of fundamental policy of Indian law. There is no patent illegality shown by the petitioner in the present case while challenging the arbitral award and merely on the reason of erroneous application of law or by re-appreciation of evidence, the award cannot be set aside.

69) In the present case, the petitioner could not make out a case that there is a patent illegality in passing the award by the District Collector, Tiruppur, which violates the fundamental policy of India. The only ground now been sought for by the petitioner is that pending their clarification application before the Hon'ble Supreme Court, the District Collector has passed award without waiting for the result of the Hon'ble Supreme Court, for which, the respondents 1 and 2 had answered that there were no stay in the said appeal preferred by the petitioners and in the absence of any stay being granted by the Hon'ble Supreme Court. The Arbitration has to be concluded within the time framed.

70) As the acquisition proceedings were initiated as early as in the year 2010 and the award was passed only in 2022 after 12 years. Therefore, the contention by the petitioner that the interest awarded by the Arbitrator at the rate of 9%, 12% without looking into the date of handing over of possession, date of taking possession cannot be gone into under Section 34 of the Arbitration Act by this court. The Arbitrator being the revenue head of the District had appreciated the documents and evidence submitted by the petitioner and had given a finding that from the date of notification, the possession was deemed to have been taken and there were no specific date mentioned in the award passed by the Acquisition Officer with respect to the date when the position was taken. In the absence of such indication in the acquisition award, the District Collector has passed orders to that effect that from the date of

notification, the interest is to be ordered. This court finds no perversity or illegality in the said observation made by the 1st respondent to interfere with the said order.

71) The contention raised by the petitioner counsel that the clarification petition is pending before the court and till the matter is clarified by the Hon'ble Supreme Court they may not disburse the compensation as the case does not fall under the purview of Union of India Vs. Tarsem Singh. However, this court finds that the Hon'ble Supreme Court has already clarified the matter that the Acquisition Proceedings commenced between 1997 to 2015 should be awarded solatium with interest and this case, wherein the acquisition proceedings were commenced only in 2010 and the award was passed by the Arbitrator in 2022. Therefore, the Judgment rendered by the Hon'ble Supreme Court would definitely apply to this case. Therefore, the argument of the learner counsel for the petitioner is not sustainable. Only to delay the payment of compensation, further the plea has been taken by the petitioner and the petitions are not sustainable and liable to be dismissed.

72) For the reasons aforementioned, I see no reason to interfere with the order passed in Arbitration by the District Collector, Tiruppur and the Award of the Arbitrator is confirmed by dismissing the arbitration ops filed under section 34 of the Arbitration Act. It is also clarified that the land owners would also be entitled to the statutory benefit under Sections 23(1-A) & (2) and 28 of the Land Acquisition Act, as per the dictum in Tarsem Singh (supra) as it would not amount to modification of the Award, for, these are the intrinsic benefits, which are to be granted as per the judgment in Shri Sarjuprasad's case of Bombay High Court, SLP has already been dismissed. Let all the benefits granted by the Arbitrator as well as the statutory benefits granted by this Court be released to land

owners, within a period of one month from the date of receipt of a certified copy of this judgment.

73) Considering the above circumstances, this court finds that the Orders passed by the Sole Arbitrator / District Collector are to be confirmed in the present Arbitration Petitions as no interference is required to set aside the same. Hence, the above said all the Arbitration petitions are liable to be dismissed and hence, the points are answered accordingly.

In the result, all the AOP petitions are dismissed by confirming the Orders passed by the Arbitrator / District Collector, Tiruppur.

Dictated to the steno-typist, taken by her in short hand, transcribed by her with the help of voice recorder, corrected and pronounced by me in the open court, this 24th day of November, 2023.

SWARNAM J NATARAJAN
Digitally signed by SWARNAM J NATARAJAN
Date: 2023.11.24 19:12:37 +05'30'

Principal District Judge,
Tiruppur.

Fair / Draft common order in
AOP Nos. 81, 82, 85 to 87, 89 to 95, 97 to 103, 123 to 128, 130 to 134, 136 to 142, 150 to 155, 159 to 166, 174 to 176, 178 to 182, 184 to 192, 194 to 197, 199 to 205, 211 to 218, 220 to 227, 237 to 240, 242 to 251, 261 to 283 of 2022 and 1 to 10, 12, 14 to 29, 31, 32, 35 to 41, 47 to 73, 83 to 90, 102 to 104, 124, 132, 133 of 2023
Date: 24.11.2023.
Principal District Court, Tiruppur.