

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 23.06.2026

PRONOUNCED ON : 17.07.2026

CORAM

THE HONOURABLE MR JUSTICE V. LAKSHMINARAYANAN

Arb Appeal(MD) NO. 5 of 2026

AND

CMP(MD) NO. 3024 OF 2026, CMP(MD) NO. 3294 OF 2026, CMP(MD) NO. 3914 OF 2026, ARB APPEAL(MD) NO. 12 OF 2026, ARB APPEAL(MD) NO. 13 OF 2026, ARB APPEAL(MD) NO. 14 OF 2026, ARB APPEAL(MD) NO. 15 OF 2026, ARB APPEAL(MD) NO. 16 OF 2026, ARB APPEAL(MD) NO. 17 OF 2026, ARB APPEAL(MD) NO. 18 OF 2026, ARB APPEAL(MD) NO. 19 OF 2026, ARB APPEAL(MD) NO. 20 OF 2026, ARB APPEAL(MD) NO. 21 OF 2026, ARB APPEAL(MD) NO. 22 OF 2026, ARB APPEAL(MD) NO. 23 OF 2026, ARB APPEAL(MD) NO. 24 OF 2026, ARB APPEAL(MD) NO. 25 OF 2026, ARB APPEAL(MD) NO. 26 OF 2026, ARB APPEAL(MD) NO. 27 OF 2026, ARB APPEAL(MD) NO. 28 OF 2026, ARB APPEAL(MD) NO. 31 OF 2026, ARB APPEAL(MD) NO. 6 OF 2026, ARB APPEAL(MD) NO. 7 OF 2026, ARB APPEAL(MD) NO. 8 OF 2026, ARB APPEAL(MD) NO. 9 OF 2026, CMP(MD) NO. 1035 OF 2026, CMP(MD) NO. 1088 OF 2026, CMP(MD) NO. 1113 OF 2026, CMP(MD) NO. 1114 OF 2026, CMP(MD) NO. 1116 OF 2026, CMP(MD) NO. 1117 OF 2026, CMP(MD) NO. 1118 OF 2026, CMP(MD) NO. 1153 OF 2026, CMP(MD) NO. 1221 OF 2026, CMP(MD) NO. 1698 OF 2026, CMP(MD) NO. 1843 OF 2026, CMP(MD) NO. 1907 OF 2026, CMP(MD) NO. 2036 OF 2026, CMP(MD) NO. 2053 OF 2026, CMP(MD) NO. 2125 OF 2026, CMP(MD) NO. 2325 OF 2026, ARB APPEAL(MD) NO. 10 OF 2026, ARB APPEAL(MD) NO. 11 OF 2026, CMP(MD) NO. 1044 OF 2026, CMP(MD) NO. 1085 OF 2026, CMP(MD) NO. 1951 OF 2026, CMP(MD) NO. 1954 OF 2026, CMP(MD) NO. 850 OF 2026, CMP(MD) NO. 2124 OF 2026



1. The Project Director
National Highways No.45E and 220
National Highways Authority of India
Plot No.3, Suriya Towers, 2nd Floor
1st East Street, K.K.Nagar. (Near Muthuvelrajan Hospital)
Madurai 625 020.

Appellant

Vs

1. A.Faritha Banu
W/o. Abdul Kadar Jailani
Door No.14-4/40
Muslim North Street
Uthamapalayam, Uthamapalayam Taluk
Theni District.

2. The Special District Revenue Officer/
Competent Authority for Land Acquisition
(National Highways-45E and 220)
Having his office at the Collectorate Buildings
Theni.

Respondent(s)

Arb Appeal(MD) NO. 6 of 2026

The Project Director
National Highways No.45E and 220,
National Highways Authority of India,
Having his office at Plot No.1,
Aishwaryam Height,
Indira Nagar,
Sennamanickenpatti Post,
Thadikombu Road,
Dindigul 4.

Petitioner(s)

Vs

U.Udaiyar Konar (Died)

1. U. Rukmani, W/o. Late. Udaiyar Konar,
Door No.29,
Ward No.11,
Kavidu Krishnasamy Gowder Street,
Melakudaloor 625 518.
Palayam Taluk,
Theni Distri



2. U.Alappan S/o. Late. Udaiyar Konar,
Door No.29,
Ward No.11,
Kavidu Krishnasamy Gowder Street,
Melakudaloor 625 518.
Palayam Taluk,
Theni District.

3. U.Venkat Kumar S/o. Late. Udaiyar Konar,
Door No.29,
Ward No.11,
Kavidu Krishnasamy Gowder Street,
Melakudaloor 625 518.
Palayam Taluk,
Theni District.

4. U.Prabhu S/o. Late. Udaiyar Konar,
Door No.29,
Ward No.11,
Kavidu Krishnasamy Gowder Street,
Melakudaloor 625 518.
Palayam Taluk,
Theni District.

5. The Special District Revenue Officer/
Competent Authority For Land Acquisition,
(National Highways 45 E and 220).
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 7 of 2026

The Project Director
National Highways No.45E and 220,
National Highways Authority of India
having his office at Plot No.1,
Aishwaryam Height, Indira Nagar,
Sennamanaickenpatti Post,
Thadikombu Road, Dindigul-4.

Petitioner(s)

Vs

1. A.Silambarasan
S/o. Late. P.Ayyar,
Door No.7/2-106,
T.P.N. Road, Palanichettipatti,
Veerapandi-Via,
Theni Taluk and District.



2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways-45-E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 8 of 2026

The Project Director
National Highways No. 45E and 220,
National Highways Authority of India having his
office at Plot No.1,
Aishwaryam Height, Indira Nagar,
Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul -4.

Petitioner(s)

Vs

1. S.M.Pradeep S/o. S. Marimuthu,
Door No.F-1/1-Floor,
A.M.S. Garden,
Ramnagar 7 Cross,
Thillainagar,
Trichy -620 018.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways -45-E and 220,
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 9 of 2026

The Project Director
National Highways No. 45E and 220,
National Highways Authority of India,
having his office at Plot No.1, Aishwaryam Height,
Indira Nagar, Sennamanaickenpatti Post,
Thadikombu Road, Dindigul -4.

Petitioner(s)

Vs

1. P.Kubendran
S/o. R. Parama Thevar,
Ragul Nivash,
Door No. 3-1-19a,
Palanichettipatti,
Cumbum Road,
Theni District.



2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways -45-E and 220),
Having His Office at the
Collectorate Buildings,
Theni.

WEB COPY

Arb Appeal(MD) NO. 10 of 2026

Respondent(s)

The Project Director
National Highways No.45E and 220,
National Highways Authority of India,
Having his office at Plot No.1,
Aishwaryam Height,
Indira Nagar,
Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul 4.

Petitioner(s)

Vs

1. S.Chandrika W/o. K.Subburaj,
Annanya C-3,
Visthara Apartment,
Paravai,
Paravai Post,
Madurai District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways 45e and 220)
Having His Office at the Collectorate Building,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 11 of 2026

The Project Director
National Highways No. 45E and 220,
National Highways Authority of India,
having his office at Plot No.1, Aishwaryam Height,
Indira Nagar, Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul -4.

Petitioner(s)

Vs

1. P.Mohamed Fathima
W/o.Mohamed Anwar Ali,
Door No.13-6-14, Periya Pallivasal Street,



Uthamapalayam,
Uthamapalayam Taluk,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways -45-E and 220),
Having His Office at 567 ABJ Abdulkalam Street,
Sennamanaickenpatti Post,
Thadikombu Road, Dindigul - 4

Respondent(s)

Arb Appeal(MD) NO. 12 of 2026

The Project Director
National Highways No.45E and 220,
National Highways Authority of India,
Having his office at Plot No.1,
Aishwaryam Height,
Indira Nagar,
Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul 4.

Petitioner(s)

Vs

1. M.Murugesan
S/o. Marimuthu,
Door No.3/38/19,
Varatharajapuram,
2nd Middle Street,
Cumbum Town,
Palayam Taluk,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways 45e and 220)
Having His Office at the Collectorate Building,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 13 of 2026

The Project Director
National Highways No. 45E and 220,
National Highways Authority of India,
having his office at Plot No.1, Aishwaryam Height,



Indira Nagar, Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul -4.

Petitioner(s)

Vs

1. R.Aruna W/o.R.S.S.Rajasekaran,
Door No.58, R.S.S.Street,
Lakshmipuram,
Lakshmipuram Post,
Periyakulam Taluk,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways -45-E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 14 of 2026

The Project Director
National Highways No. 45E and 220,
National Highways Authority of India,
having his office at Plot No.1, Aishwaryam Height,

Indira Nagar, Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul -4.

Petitioner(s)

Vs

1. L.Mookaiah
S/o.Lakshmana Thevar,
Middle Street,
E.Pudupatti,
Endapuli Post,
Periyakulam Taluk,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways -45-E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 15 of 2026



The National Highways Authority of India (NHAI)
Through its Project Director,
Having his office at Plot No.3, Surya Towers, 2nd
Floor, 1st Street, K.K.Nagar, Madurai - 20.

Petitioner(s)

Vs

1. C.Palanikamu
S/o.Chinna Alagar,
Kaliyammann Koil Street,
Thenkarai, Periyakulam Taluk,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition,
(National Highways - 45 Ext and 220),
Having His Office at Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 16 of 2026

The Project Director
National Highways No. 45E and 220,
National Highways Authority of India,
having his office at Plot No.1, Aishwaryam Height,

Indira Nagar,
Sennamannaickenpatti Post, Thadikombu Road,
Dindigul -4.

Petitioner(s)

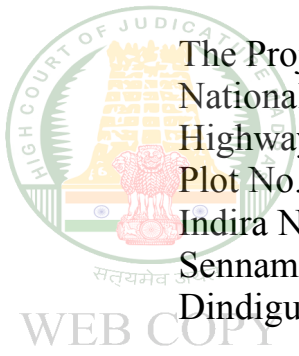
Vs

1. A.Rajasekaran
S/o.K.Alagarsamy,
Door No.77, Main Street,
Unjampatti Alias Annanji,
Theni Taluk,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways -45-E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 17 of 2026



The Project Director
National Highways No.45E and 220, National
Highways Authority of India, Having his Office at
Plot No.1, Aishwaryam Height,
Indira Nagar,
Sennamanaickenpatti Post, Thadikombu Road,
Dindigul 4.

Petitioner(s)

Vs

1. K.I.P.Poobalaraja
S/o.K.I.Paulpandian,
Door No.40-238-1,
Govt.Hospital Road,
Miranda Line Back Side,
Theni.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways - 45 E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 18 of 2026

The Project Director
National Highways No.45E and 220,
National Highways Authority of India
having his office at Plot No.1,
Aishwaryam Height, Indira Nagar,
Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul -4.

Petitioner(s)

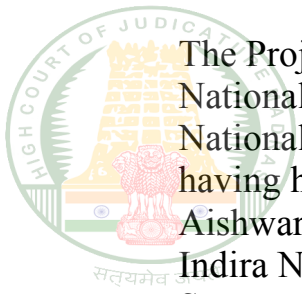
Vs

1. P.Bose S/o. V. Periyandi Thevar,
Door No.13-A/33, Pasumpon Muthuramalingam Street,
Cumbum Town, Palayam Taluk,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways -45-E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 19 of 2026



The Project Director
National Highways No.45E and 220,
National Highways Authority of India,
having his office at Plot No.1,
Aishwaryam Height,
Indira Nagar,
Sennamanickenpatti Post,
Thadikombu Road,
Dindigul -4.

Petitioner(s)

Vs

1. K.Ramar
S/o.Late.Kaamatchi Gowndar,
Residing at B-198, Ward No.10,
Kamatchiamman Kovil Street,
Gudalur, Gudalur Post,
Palayam Taluk,
Theni District.

2. The Special District Revenue Officer /
Competent Authority For Land Acquisition,
(National Highways -45- E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 20 of 2026

The Project Director
National Highways No.45E and 220,
National Highways Authority of India,
Having his office at Plot No.1,
Aishwaryam Height,
Indira Nagar,
Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul 4.

Petitioner(s)

Vs

1. S.Gopinath S/o. G.Seenivasan,
Door No.3-8-61,
Perumalkovil Street,
Lakshmipuram,
Lakshmipuram Post,
Periyakulam Taluk,
Theni District.



2. The Special District Revenue Officer/
Competent Authority For Land Acquisition,
(National Highways - 45-E and 220)
Having His Office at the Collectorate Buildings,
Theni.

WEB COPY

Respondent(s)

Arb Appeal(MD) NO. 21 of 2026

The Project Director
National Highways No.45E and 220,
National Highways Authority of India,
Having his office at Plot No.1,
Aishwaryam Height,
Indira Nagar,
Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul 4.

Petitioner(s)

Vs

1. R.Pari Nagarajan S/o.N.Rajendran,
Represented Through His Power
Agent N.Rajendran,
S/o. R.S.Nagarajan,
Residing at W4-B8/107,
Sri Sakthi Illam,
Alagu Nachiarpuram, Rathinam Nagar (East),
Theni,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways - 45-E and 220)
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

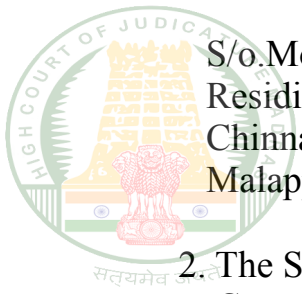
Arb Appeal(MD) NO. 22 of 2026

The Project Director,
National Highways No.45-E and 220,
National highways Authority of India,
Having his office at 83/1, SBI 1st Colony Ext.,
(Near Gowry Krishna Hotel),
Bye Pass Road, Madurai - 625 016.

Petitioner(s)

Vs

1. E.V.Ahamed Kutty Haji



S/o.Mohamed Haji,
Residing at Noor Manzil, Kuzhippuram,
Chinnakkal, Mattathoor (Post),
Malappuram District, Kerala.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways 45-E and 220)
Having His Office at District Collectorate Buildings,
Theni.

Arb Appeal(MD) NO. 23 of 2026

Respondent(s)

The Project Director,
National Highways No.45-E and 220, National
highways Authority of India, having his office at
Plot No.1,
Aishwaryam Height, Indira Nagar,
Sennamanaickenpatti Post, Thadikombu Road,
Dindigul - 624 004.

Petitioner(s)

Vs

1. B.Gomathi
W/o.S.Balasubramanian,
Residing at A Wing, Nagoor Gave,
Gurukiruba Nagar, Building No.2,
Cooperative Housing Society,
Nahur Village, Mulund (West),
Mumbai Suburban, Maharashtra – 400 080

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition,
National Highways - 45-E and 220),
Having His Office at the Collectorate Buildings, Theni.

Respondent(s)

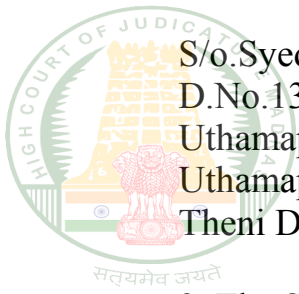
Arb Appeal(MD) NO. 24 of 2026

The Project Director
National Highways (45-E and 220)
National Highways Authority of India,
having his office at Plot No.3, Suriya towers 2nd
Floor, 1st East Street, K.K.Nagar (Near
Muthuvelrajan Hospital),
Madurai - 625 020.

Petitioner(s)

Vs

1. S.Syed Mohammed



S/o.Syed Abuthahir,
D.No.13-4-49, Nattamaikarar Street,
Uthamapalayam,
Uthamapalayam Taluk,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways - 45 E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Arb Appeal(MD) NO. 25 of 2026

Respondent(s)

The Project Director
National Highways No.45-E and 220,
National Highways Authority of India,
Having his office at Plot No.1,
Aishwaryam Height,
Indira Nagar,
Sennamanaickenpatti Post,
Thadikombu Road, Dindigul -4.

Petitioner(s)

Vs

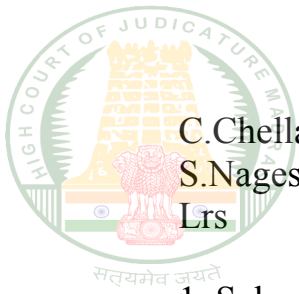
1. P.Otchammal
W/o. Late.Palsamy,
Muthalammal Kovil Street,
Pullakkapatti, Devadanapatti Post,
Periyakulam Taluk, Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways-45-E and 220),
Having His Office at the
Collectorate Buildings, Theni.

Respondent(s)

Arb Appeal(MD) NO. 26 of 2026

The Project Director
National Highways No. 45-E and 220,
National Highways Authority of India,
having his office at Plot No.1,
Aishwarya Height, Indira Nagar,
Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul -624 004.



Vs

C.Chellamani (Died)
S.Nageswari (Died)
Lrs

1. Selvarani, D/o. Late. Chellamani,
Door No.158, Velalar Street,
Vadugapatti,
Vadugapatti Post,
Periyakulam Taluk,
Theni District.

2. Selvaraja S/o. Late. Chellamani,
Door No.158, Velalar Street,
Vadugapatti,
Vadugapatti Post,
Periyakulam Taluk,
Theni District.

3. Manimegalai D/o. Late. Chellamani,
Door No.158, Velalar Street,
Vadugapatti,
Vadugapatti Post,
Periyakulam Taluk,
Theni District.

4. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways- 45-E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

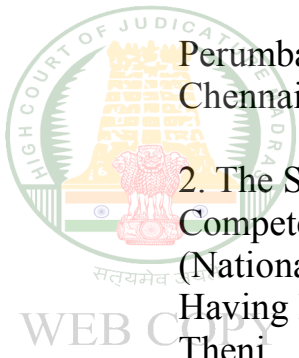
Arb Appeal(MD) NO. 27 of 2026

The Project Director
National Highways No. 45-E and 220,
National Highways Authority of India, having his
office at Plot No.1, Aishwarya Height, Indira
Nagar, Sennamanaickenpatti Post,
Thadikombu Road, Dindigul -624 004.

Petitioner(s)

Vs

1. S.Suganthi W/o.Shanmugarajan,
Door No.1, 7th Street,
V.G.P Prabhu Nagar,



Perumbakkam,
Chennai - 600 100.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways- 45-E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Arb Appeal(MD) NO. 28 of 2026

The Project Director
National Hghways No.45E and 220, National
Highways Authority of India, Having his office at
Plot No.1, Aishwaryam Height, Indira Nagar,
Sennamanaickenpatti Post, Thadikombu Road,
Dindigul 4.

Petitioner(s)

Vs

1. P.Sakkaraipandi
S/o. Late. Periyasamy,
Door No.4-1-100a,
Okkaligar Street,
Vazhaiyathupatti,
Boothipuram,
Bodi Taluk,
Theni District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition
(National Highways 45e and 220),
Having His Office at the Collectorate Building,
Theni.

Respondent(s)

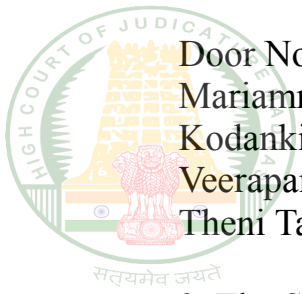
Arb Appeal(MD) NO. 31 of 2026

The Project Director
National Highways No.45E and 220, National
Highways Authority of India, Having his office at
Plot No.1, Aishwaryam Height, Indira Nagar,
Sennamanickenpatti Post, Thadikombu Road,
Dindigul 4.

Petitioner(s)

Vs

1. K.Lakshmi
W/o. Keppanan,



Door No.90,
Mariamman Kovil Ptti,
Kodankipatti Post,
Veerapandi Via,
Theni Taluk and District.

2. The Special District Revenue Officer/
Competent Authority For Land Acquisition,
(National Highways 45 E and 220),
Having His Office at the Collectorate Buildings,
Theni.

Respondent(s)

Prayer in ARB APPEAL(MD). 5/ 2026 :

Arbitration Appeal filed under section 37 (1) of Arbitration and Conciliation Act to call for the records and set aside the fair and decreetal order and in the cost imposed in Arbitration OP No.69 of 2017 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 6/ 2026 :

Arbitration Appeal filed under section 37 (1) of Arbitration and Conciliation Act to call for the records and set aside the fair and decreetal order dated 06.03.2025 in so far the cost imposed in Arbitration OP No.07 of 2024 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 7/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Conciliation Act, to call for the records and set aside the fair and decreetal order dated 06.03.2025 in so far the cost imposed in Arbitration O.P. No. 118 of 2022 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 8/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Conciliation Act, to call for the records and set aside the cost imposed in



Arbitration O.P. No. 59 of 2020 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 9/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Conciliation Act, to call for the records and set aside the cost imposed in Arbitration O.P. No. 89 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 10/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Reconciliation Act, to call for the records and set aside the cost imposed in Arbitration OP No.102 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 11/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Conciliation Act, to call for the records and set aside the cost imposed in Arbitration O.P. No.39 of 2024 dated 06.03.2025 on the file of the Principal District Judge, Theni.

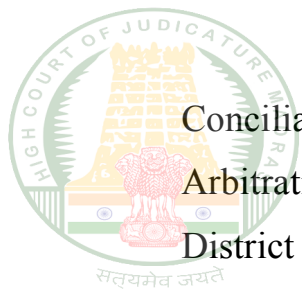
Prayer in ARB APPEAL(MD). 12/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Reconciliation Act, to call for the records and set aside the cost imposed in Arbitration OP No.109 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 13/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Conciliation Act, to call for the records and set aside the cost imposed in Arbitration O.P. No.107 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 14/ 2026 :



Arbitration Appeal filed under section 37(1) of Arbitration and

Conciliation Act, to call for the records and set aside the cost imposed

Arbitration O.P. No.82 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

WEB COPY

Prayer in ARB APPEAL(MD). 15/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Reconciliation Act to call for the records and set aside the cost imposed in Arbitration O.P.No.84 of 2017 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 16/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Conciliation Act, to call for the records and set aside the fair and decretal order dated 06-03-2025 in so far the costs imposed in Arbitration O.P.No.84 of 2022 on the file of the learned Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 17/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Conciliation Act, to call for the records and set aside the cost imposed in Arbitration OP No.112 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 18/ 2026 :

Arbitration Appeal filed under section 37 (1) of Arbitration and Conciliation Act, to call for the records and set aside the cost imposed in Arbitration O.P. No. 122 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 19/ 2026 :

Arbitration Appeal filed under section 37 (1) of Arbitration and Conciliation Act to call for the records and set aside the cost imposed in



Arbitration O.P.No.85 of 2022 dated 06-03-2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 20/ 2026 :

Arbitration Appeal filed under section 37 (1) (b) of Arbitration and Conciliation Act to call for the records and set aside the cost imposed in Arbitration OP No.91 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 21/ 2026 :

Arbitration Appeal filed under section 37 (1) (b) of Arbitration and Conciliation Act to call for the records and set aside the cost imposed in Arbitration OP No.66 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 22/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Reconciliation Act to call for the records and set aside the Fair and decretal order dated 06.03.2025 in so far as the cost imposed in Arbitration O.P.No.43 of 2015 on the file of the Principal District Judge, Theni.

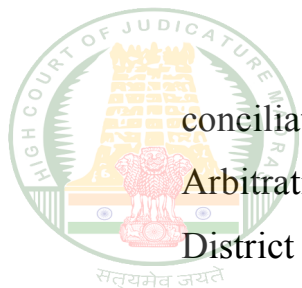
Prayer in ARB APPEAL(MD). 23/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Reconciliation Act to call for the records and set aside the Fair and decretal order dated 06.03.2025 in so far as the cost imposed in Arbitration O.P.No.79 of 2019 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 24/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Reconciliation Act to call for the records and set aside the Fair and Decretal order dated 06.03.2025 in so far as the cost imposed in Arbitration O.P.No.35 of 2016 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 25/ 2026 :



Arbitration Appeal filed under section 37(1) of Arbitration and

Conciliation Act, to call for the records and set aside the cost imposed

Arbitration O.P.No. 101 of 2022 dated 06.03.2025 on the file of the Principal

District Judge, Theni.

WEB COPY

Prayer in ARB APPEAL(MD). 26/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Reconciliation Act, to call for the records and set aside the Fair and decreetal order dated 06.03.2025 in so far as the cost imposed in Arbitration O.P. No. 49 of 2022 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 27/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Reconciliation Act, to call for the records and set aside the Fair and decreetal order dated 06.03.2025 in so far as the cost imposed in Arbitration O.P. No. 58 of 2022 on the file of the Principal District Judge, Theni.

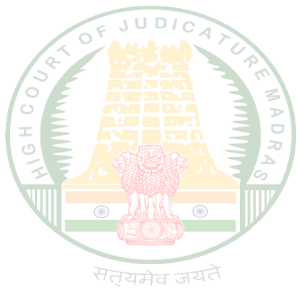
Prayer in ARB APPEAL(MD). 28/ 2026 :

Arbitration Appeal filed under section 37(1) of Arbitration and Reconciliation Act, to call for the records and set aside the cost imposed in Arbitration OP No.75 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

Prayer in ARB APPEAL(MD). 31/ 2026 :

Arbitration Appeal filed under section 37 of Arbitration and Conciliation Act to call for the records and set aside the cost imposed in Arbitration OP No.106 of 2022 dated 06.03.2025 on the file of the Principal District Judge, Theni.

For Appellant : Mr.AR. L.Sundaresan,
Additional Solicitor General for India and
Mr.K.Govindarajan,
Deputy Solicitor General for India, for
Mr.P.Karthick



WEB COPY

For Respondents : **Case Citation: (2026) ibclaw.in 4140 HC**
Mr.R.Govindaraj for private parties
in Arb.Appeal(MD)
Nos.5 to 14, 16 to 18 & 31 of 2026



Mr.R.Baskaran for private parties
in Arb.Appeal(MD)
No.15 of 2026

Mr.P.V.Balasubramanian,
Additional Advocate General
Assisted by
Mr.S.I.Muthiah,
Government Advocate (Civil)
for Special District Revenue Officer

COMMON ORDER

This set of appeals have been presented invoking Section 37 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as ‘A & C Act’), challenging the award of costs by the learned Principal District Judge, Theni in a batch of petitions filed under Section 34 of the A & C Act.

2. The appellant in all the appeals is the National Highways Authority of India (NHAI). The claimants, whose lands were acquired, are the first respondent. The competent authority for land acquisition is the second respondent.

3. Lands were acquired by the appellant for formation and expansion of the National Highways in Theni District. Notifications were issued under Section 3A of the National Highways Act, 1956 (hereinafter referred to as ‘NH Act’) and necessary declarations were made under Section 3D. After issuing a notice under Section 3G(3) calling for objections/claims and after



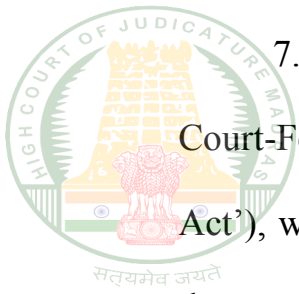
conducting an enquiry, the competent authority fixed the value of the land as awarded compensation.

WEB COPY

4. Aggrieved by the said compensation, all the claimants preferred a reference under Section 3G(5) of NH Act. They claimed enhancement. The statutory arbitrator, namely, the District Collector passed an award, confirming the compensation determined by the competent authority. Challenging the same, petitions were filed under Section 34 of the A & C Act before the learned Principal District Judge, Theni. The learned Principal District Judge allowed the petitions with costs and directed the District Collector to hear the matter afresh and decide the same.

5. The appellant and the first respondent have not challenged the order under Section 34 of the Arbitration and Conciliation Act. The grievance of the appellant is that “costs” have been awarded while allowing the petitions under Section 34 of the A & C Act. Hence, they are before this Court.

6. Heard Mr.AR.L. Sundaresan, the learned Additional Solicitor General for India, Mr.K.Govindarajan, the learned Deputy Solicitor General for India for Mr.Karthick for the appellant, Mr.P.V.Balasubramaniam, the learned Additional Advocate General assisted by Mr.S.I.Muthiah for the State of Tamil Nadu, Mr.Ramasamy, learned Government Advocate for the Special District Revenue Officer and Mr.Govindaraj and Mr.Baskaran for the private parties in the respective appeals.

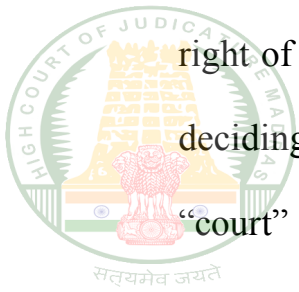


7. According to the appellant, under Section 67(1) of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955 (hereinafter referred to as ‘TNCF Act’), when an order of remand is made, it is the duty of the court to refund the court fee and it cannot call upon the respondent to pay the same. It is urged that the learned District Judge had awarded the costs without giving any finding as regards abuse of process or misconduct or malafides. It is urged that under the “cost regime” contemplated under Section 31-A of the A & C Act, cost can be awarded only on the basis of conduct of parties, reasonableness of the claims and such other relevant factors.

8. The appellant relied upon a judgment of this Court in ***Project Director, National Highways Authority of India v. Rajamani and Another in Arbitration Appeal (MD) Nos.52 to 54 of 2025 dated 04.08.2025***, wherein this court had held that in the absence of recording any finding, the order awarding costs is unsustainable. On these grounds, the appellant seeks to set aside the order imposing costs.

9. It is the argument of Mr.AR.L. Sundaresan and Mr.K.Govindarajan that the court fee paid under Section 34 of the A&C Act is covered under Section 67 of the TNCF Act.

10. Mr.AR.L. Sundaresan urged that in terms of Section 3(ii) of the TNCF Act, “Court” for the purpose of the Act includes a Tribunal having jurisdiction under any special or local law to decide questions affecting the

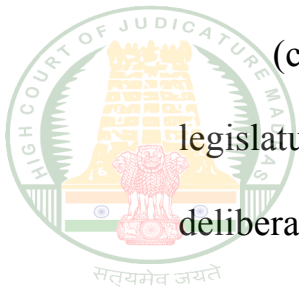


right of parties. Since the learned District Judge performs the said task while deciding an application under Section 34 of the A & C Act, he would be a “court” for the purpose of the Act. Referring to the TNCF Act, he urged that the words, “suit” and “appeal” are not defined and therefore, this court should apply the doctrine of *Casus Omissus* and include arbitration proceedings also within the scope of Section 67 of TNCF Act.

11. Being a matter which would affect the revenue of the State of Tamil Nadu, invoking Section 20 of the TNCF Act, this Court issued notice to the State, in order to decide the said issue. Mr.S.I.Muthaiah, learned Government Advocate (Civil Side) took notice on behalf of the State. Mr.P.V.Balasubramaniam, learned Additional Advocate General assisted by Mr.S.I.Muthaiah made the following submissions:-

(a) Section 67 of the TNCF Act applies only to suits or appeals and that petitions under Section 34 of the A & C Act cannot be construed as appeals. He pointed out that as per Section 72(xviii) of the TNCF Act in land acquisition matters, proceedings before the original authority alone are exempted from payment of court fee.

(b) Referring to Section 6(4) of the TNCF Act, he pointed out that the Section used the words, “suits”, “appeals”, “petitions” and “applications”, whereas it is conspicuously absent under Section 67 of the TNCF Act. Hence, Section 67 of the TNCF Act must be given a strict interpretation and the plea for expansive interpretation sought for by the appellant should be rejected.



WEB COPY



(c) He added that it is not a case of absence or omission by the legislature for this Court to apply the doctrine of *Casus Omissus*, but a deliberate omission to include “petitions” and “applications” under Section 67 of the TNCF Act. Therefore, this Court should not venture to apply the doctrine and expand its scope.

12. The submissions made by the learned Additional Advocate General were adopted by the learned counsel appearing for the claimants.

13. On a pointed query by this Court as to how the appellant is maintaining these appeals under Section 37 of the A & C Act, Mr.AR.L. Sundaresan and Mr.K.Govindarajan submitted that in the event this court comes to a conclusion that the appeal is not maintainable, it can always be converted to a revision invoking the powers under Article 227 of the Constitution of India.

14. I have carefully considered the submissions of all sides. I have gone through the records.

15. Let me first deal with the issue of maintainability of an appeal challenging when imposition of costs alone under Section 37 of the A & C Act.



16. Section 37 of the A & C Act starts with a “non obstante” clause.

restricts the scope of an appeal to four categories of orders alone. They are:-

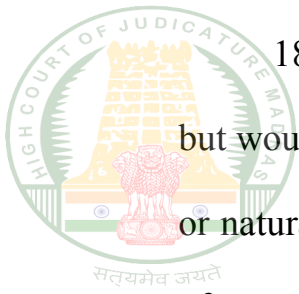
(i) where a court refuses to refer the parties to arbitration under Section 8 of the A & C Act;

(ii) where any interim measure is granted or refused under Section 9 of the A & C Act;

(iii) setting aside or refusing to set aside an arbitral award under Section 34 of the A & C Act;

(iv) Section 37(2) permits an appeal to a “court”, as defined under Section 2(1)(e) against an order under Section 16(2) or 16(3) or where an Arbitral Tribunal refuses or grants interim measure under Section 17 of the A & C Act.

17. A casual glance of Section 37 of the A & C Act makes it clear that an order quantifying, granting or refusing costs cannot be a subject matter of an appeal under Section 37. “Cost regime” under Section 31-A of the A & C Act was inserted by the Central Act 3 of 2016. It was through the very same amending Act, was Section 37 amended permitting an appeal for orders passed under Section 8 of the A & C Act. Yet, the Parliament did not incorporate a provision for appeal in case of imposition of “costs” under Section 31-A of the A & C Act. This shows while the Parliament empowered the court and arbitral tribunals to impose or deny costs, it did not deem it fit to permit an appeal against such orders.



18. It is a settled position of law that an appeal is not an inherent right but would have to be specifically conferred by a statute. There is no automatic or natural right to challenge an order before the higher forums of law by way of an appeal. An appeal is maintainable only when the statute expressly grants that right to an aggrieved person and confers that power on a court or tribunal. If the statute is silent on an appeal, then that decision would have to be taken as final.

19. A statute provides for an appeal in order to disrupt or unsettle the finality attached to a decision taken by a court or authority. If the Parliament has not created a pathway to agitate the correctness of such an order, it is not for the court to create one. I only need to refer to ***Ganga Bai v. Vijay Kumar***, ***AIR 1974 SC 1126*** in order to conclude on this issue. Y.V.Chandrachud, J. (as he then was), speaking for himself and Mr.M.Hameedullah Beg, J. (as he then was) held that there is a basic distinction between the right of suit and the right of appeal. He held that there is an inherent right in every person to bring a suit of a civil nature, unless the suit is expressly or impliedly barred. In contradistinction, he opined that the right of appeal inheres in no one and an appeal for its maintainability must have the clear authority of law.

20. When a provision for an appeal has not been provided, the court cannot use its judicial pen and re-write Section 37 of the A & C Act. The appeal, not having been provided, I am not in a position to entertain these appeals under Section 37 of the A & C Act.



21. When this aspect was pointed out, Mr.AR.L. Sundaresan relied upon a judgment of the Supreme Court in ***Deep Industries Limited v. Oil and Natural Gas Corporation Limited and Another, (2020) 15 SCC 706*** to urge that the appeals can be converted into revisions under Article 227 of the Constitution of India. It is a well known position that there is no bar for this court to convert the appeal into a revision, if interests of justice so require. If it is a proceeding disposed of by a court subordinate to this court, both Section 115 of Code of Civil Procedure and Article 227 of the Constitution of India enable this court to convert a proceeding presented as an appeal into a revision. Revision under Section 115 would not be maintainable in the present case since if the revision is allowed, it would not put an end to the proceeding as required by the proviso to Section 115(1) of the Code of Civil Procedure. Yet, the constitutional power of this Court under Article 227 cannot be stultified. As to when a revision under Article 227 of Constitution of India would lie has been indicated by the judgment cited by Mr.AR.L.Sundaresan.

22. An analysis of the said judgment does not lead me to the conclusion that a revision under Article 227 is maintainable under all circumstances, when an appeal under Section 37 is not available. The matter arose before the Supreme Court under the following circumstances.



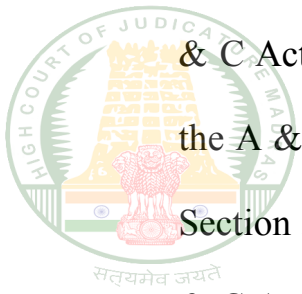
WEB COPY



23. ONGC awarded a 5 years contract to M/s. Deep Industries L (Contractor). It terminated the contract alleging that the equipment supplied by the contractor were not new, but were second hand ones. The parties went to arbitration. The contractor filed a claim petition challenging the termination of the contract as well as a Show Cause Notice. An application under Section 17 came to be filed seeking interim orders. Soon thereafter, ONGC black-listed the contractor for two years. An application was filed before the Arbitrator to amend the pleadings challenging the order of black-listing. The amendment was ordered. ONGC raised the issue of jurisdiction under Section 16 of the Arbitration Act. This application was dismissed. On the same day, the Arbitral Tribunal also stayed the two year ban stating that the ban would revive, if the claimant lost in the final arbitration proceedings.

24. Challenging the order under Section 17, ONGC filed an appeal before the City Civil Court at Ahmedabad. It invoked Section 37(2) of the Arbitration Act. The City Civil Court dismissed the appeal. Challenging the order under Section 37(2), ONGC invoked Article 227 of the Constitution of India and moved the Gujarat High Court. The Gujarat High Court set aside the order of the City Civil Court. Against the said order, the claimants moved the Supreme Court.

25. R.F.Nariman, J. speaking for himself, Aniruddha Bose and V.Ramasubramanian, JJ. considered the issue whether a revision under Article 227 is maintainable after the dismissal of an appeal under Section 37 of the A



& C Act. He analysed Section 5, Section 29A, Section 34 and Section 37

the A & C Act and came to a conclusion that the non obstante clause under Section 5, coupled with the limited scope for appeal under Section 37 of the A & C Act and the express bar on second appeal, were intended for swift, and minimally interfered arbitration proceedings. He held that while the Constitutional power under Article 227 remains untouched by Section 5; the said power must be exercised only for orders that are patently devoid of jurisdiction. In fine, the Supreme Court held that a High Court should exercise jurisdiction under Article 227 in arbitration proceedings only in cases of “patent lack of inherent jurisdiction”.

26. Keeping the principle enunciated in the aforesaid case, this court is not in a position to come to a conclusion that under Section 34, the court does not have the jurisdiction to impose costs to render such an order as one without jurisdiction. Under Section 31-A of the A & C Act, a Court or Arbitral Tribunal, notwithstanding anything contained in the Code of Civil Procedure, has the power to impose costs. The circumstances under which the court should impose costs has been given a statutory direction under Section 31-A(2) of the A & C Act. The general rule being that the unsuccessful party should be ordered to pay costs to the successful party. In case, the court were to come to a conclusion that Section 31-A(2)(a) should not be followed, then it is called upon by Section 31-A(2)(b) of the A & C Act to give reasons as to why it is departing from the general rule. In the present case, the court had decided to follow Section 31-A(2)(a) of the A & C Act. The claimants had



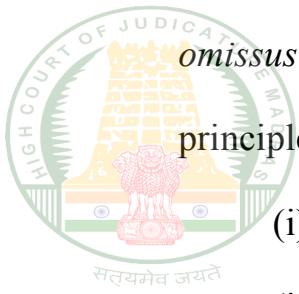
succeeded in their petition under Section 34. Hence, the court called upon the unsuccessful party, namely, the appellant herein, to pay the costs.

WEB COPY

27. As to what are costs that can be imposed is clear from the explanation appended to Section 31-A(1). The costs, inter alia, includes legal fees and expenses. The grievance of the appellant is that it has been ordered to pay the court fees as costs to the claimants. When the legal expenses are covered under the explanation to Section 31-A(1) of the A & C Act, applying the principles laid down in **Deep Industries Limited's** case, this court concludes that the Principal District Court under Section 34 of the A & C Act did not lack jurisdiction to award costs, as it has been empowered to do so under Section 31-A(1) read with Section 31-A(2) of the A & C Act.

28. This takes me to the next submission of Mr.A.R.L. Sundaresan. According to him, this court has to interpret Section 67 of TNCF Act to mean not only an appeal, a second appeal, or a Letters Patent appeal, but it should also be interpreted to include petitions filed under Section 34 of the A & C Act. It is in those circumstances, he urged that this court should apply the principle of *Casus Omissus*.

29. The fundamental jurisprudential principle guiding judicial process is *jus dicere non facere* i.e., the courts only declare the law and do not have the power to make it. The exception to this rule is the doctrine of *casus*



WEB COPY



omissus or case omitted. The court departs from the aforesaid general principle and adopts this doctrine to fill a gap under two circumstances i.e.,

- (i) when the application of the text as it stands leads to absurdity or
- (ii) when the intention can be found within the statute itself.

If the language of the statute is clear and unambiguous, the court does not have the power to add, amend or modify the same on the presumption that this is what was contemplated by the legislature.

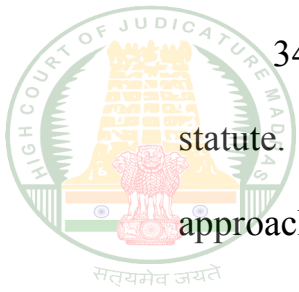
30. In ***Babita Lila and Another v. Union of India, (2016) 9 SCC 647***, the Supreme Court held that there is no presumption that a *Casus Omissus* exists and that a court should avoid creating a *Casus Omissus* where there is none. It further held that the court cannot read anything into the statutory provision which is plain and unambiguous. It pointed out that a statute being an edict of the Legislature, the language employed therein is determinative of the legislative intent. The Supreme Court has approved the view taken by the English Court in ***Stock v. Frank Johns (Tipton) Limited, (1978) 1 All ER 948 (HL)*** that it is contrary to all rules of construction to read words into an Act unless it is absolutely necessary to do so.

31. A perusal of both these judgments makes it clear that the doctrine of *Casus Omissus* cannot be adopted by the court except in the case of clear necessity and the reason can be found within four corners of the statute. That too can be done only when construing all parts of the statute and sections together with reference to the context and clauses of the enactment.



32. It is here that the submission of Mr.P.V.Balasubramaniam becomes relevant. Under TNCF Act, Section 17 deals with fees payable on petitions and applications. There are several provisions which point out that the statute has made a difference between petition, plaint, memorandum of appeal, Letters Patent appeal as well as revision. Yet, while drafting Section 67, the Legislature has consciously dealt only with memorandum of appeal, Letters Patent appeal and second appeal. It has not included into the section a petition or an application. When the legislature has dealt with several forms of litigation, like the petition, application, suits and appeals, but has confined Section 67 of TNCF Act to appeals, it shows that a conscious decision was taken by the Legislature not to include a “petition” within the scope of Section 67. That being the position, I am not in a position to apply the doctrine of *Casus Omissus*, which Mr.AR.L. Sundaresan wants me to do.

33. This discussion will also put an end to the submission of Mr.AR.L. Sundaresan on the definition of “court” under Section 3(ii) of TNCF Act. He is correct that a court, exercising power under Section 34 of the A & C Act, would be a “court” for the purpose of levying court fee as per TNCF Act. Though it is a court, it cannot provide for a refund, beyond what is provided under the Act. When TNCF Act does not permit a refund for petition whether it is one filed under Section 34 of the A & C Act or any other provision of law, the interpretation that Mr.AR.L. Sundaresan placed, relying upon Section 3(ii) of TNCF Act, does not come to the rescue of the appellant.



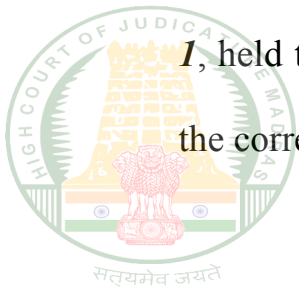
WEB COPY



34. Furthermore, this Court is mindful that TNCF Act is a taxing statute. It imposes a compulsory financial burden on those who want to approach the judiciary for legal solution to their issues. Being a taxing statute, the same must be interpreted strictly. As much as court fee cannot be levied unless explicitly and unambiguously provided for in the statute, refund too, cannot be ordered unless and until it has been specifically provided for. Therefore, I am not in a position to entertain the appeal or convert it as a revision. Even if I were to do so, in the nature of the proceedings, I cannot grant the relief that the appellant wants.

35. At this stage, Mr.K.Govindarajan, referring to two decisions in *J.Jayalakshmi and Others v. Vasavi Transport, (1995) 1 MLJ 187* and *A.Gnanaselvan v. B.A.Xavier (Died) & Others in AS(MD).No.128 of 2005 dated 13.11.2014*, urged that this Court can direct the Registry to issue a certificate for refund, invoking the doctrine of *ex gratia ad misericordia domini regis* (by favour and by the mercy of our Lord the King). Here too, I am not in a position to accept the situation.

36. A Full Bench of this Court in the *Official Receiver, Coimbatore v. S.A.Ramaswami Gounder and Others, AIR 1980 MAD 269*, held that the power to direct issuance of certificate for refund would arise only when the court performs a judicial act and not when it performs a ministerial act. Referring to this Full Bench, the Division Bench of this Court in *Polyene General Industries Pvt. Ltd., v. Great Western Industries Ltd., (2019) 4 LW*



I, held that both the judgments cited by Mr.K.Govindarajan do not lay down the correct position of law and are *per incuriam*.

WEB COPY

37. In the light of the above discussions, the appeals are dismissed. The dismissal of these appeals will not stand in the way of the NHAI to file an appropriate application before the Government and seek for refund, applying the principle of *ex gratia ad misericordia domini regis*. This is because while this court cannot grant a certificate for refund, it is always open to the Government to invoke the doctrine and grant relief to the appellant. In the circumstances of the case, there shall be no costs in these appeals. The connected miscellaneous petitions are closed.

17.07.2026

nl

Index : Yes/No

Internet : Yes/No

Speaking order/Non-speaking order

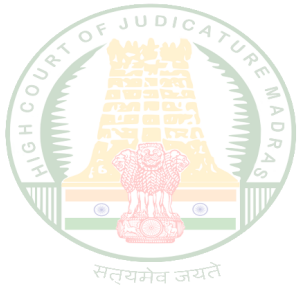
Neutral Citation : Yes/No

To

1.The Principal District Judge, Theni.

2. The Special District Revenue Officer/
Competent Authority for Land Acquisition/
(National Highways-45E and 220)
Having his office at the Collectorate Buildings
Theni.

3.The Special District Revenue Officer/
Competent Authority for Land Acquisition
(National Highways -45-E and 220),
having his office at 567 ABJ Abdulkalam Street,
Sennamanaickenpatti Post,
Thadikombu Road,
Dindigul -4.



WEB COPY

Case Citation: (2026) ibclaw.in 4140 HC

V.LAKSHMINARAYANA



nl

Arb Appeal(MD) NO. 5 of 2026 etc., batch

17.07.2026