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W.A.Nos.1064 of 2026 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.07.2026

DELIVERED ON : 07.08.2026

CORAM :

THE HONOURABLE MR. SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.Nos.1064 and 1170 of 2026

W.A.No.1064 of 2026:

1. Baba John
S/o.Abdul Subhan,
35, Muslim Street, Samudram Village,
Nallavanpalayam. Tiruvannamalai.

2. Junaidabanu
S/o.Babajan,
35, Muslim St, Samudram Village,
Tiruvannamalai.

3. Jerina Begum
S/o. Abdul Samad,
60B, Adam Gardan, Samudram Village,
Tiruvannamalai.

4. R.Mani
S/o. Ramachandran,
170/685, Senthur Kinaru Street,
Samudram Village, Tiruvannamalai.

5. R.Shekhar
S/o. Ramachandran,
241, Mariyamman Koil Street,
Samudram Village, Tiruvannamalai.

Appellant(s)

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Vs

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1. The Competent Authority
The Special District Revenue Officer (LA),
National Highways 66, Vellore.
2. The Arbitrator/District Collector
Tiruvannamalai.
3. The Project Director
National Highways Authority of India,
Project Implementation Unit, No.26,
First Floor, VGP Nagar, Villupuram.

Respondent(s)

W.A.No.1170 of 2026

1. Mustik Basha
S/o.Mohammed Sahib,
No.25,Adham Garden, Samudram,
Nallavanpalayam, Tiruvannamalai.
- 2.Murthy
S/o.Annamalai,
54 A, Tiruvmanjana Gopura Street,
Tiruvannamalai.
- 3.Yamuna,
W/o.Sekar,
No.89,Aanaikatti Street,
Tiruvannamalai.

Appellant(s)

Vs

1. The Competent Authority
The Special District Revenue Officer (LA),
National Highways 66, Vellore.



W.A.Nos.1064 of 2026 etc.

2. The Arbitrator/District Collector
Tiruvannamalai.

3. The Project Director
National Highways Authority of India,
Project Implementation Unit, No.26,
First Floor, VGP Nagar, Villupuram.

Respondent(s)

PRAYER: Appeals filed under Clause 15 of the Letters Patent to set aside the separate orders passed by the learned Single Judge even dated 24.11.2025 in W.P.Nos.45624 of 2025 and 45627 of 2025.

For Appellant(s) Mr.S.Vijaya Kumar
in both appeals: Senior Counsel
for Mr. A.V.Balusamy

For Respondent(s) Mr.Mohammed Fayaz Ali
in both appeals: Government Pleader for R1 and R2

Mr.Nithyaesh Natraj for R3

COMMON JUDGMENT

THE CHIEF JUSTICE

These two writ appeals stem from the orders passed by the learned Single Judge on 24.11.2025, dismissing the writ petitions seeking a directive compelling the Arbitrator/District Collector to entertain their representations for awarding 30% solatium and 15% interest on land acquisition compensation under the National Highways Act, 1956 [for brevity, "*the Act*"].



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2.1. The facts in a nutshell are that the lands belonging to the appellants were acquired for constructing a bypass road on National Highway 66 (Tindivanam–Krishnagiri). The original awards passed by the first respondent/Competent Authority fixed compensation without solatium and statutory interest.

2.2. Aggrieved by the low valuation and denial of solatium and interest, the appellants initiated arbitration. The Arbitrator granted 20% enhancement, while explicitly excluding solatium and interest.

2.3. The appellants challenged these awards under Section 34 of the Arbitration and Conciliation Act, 1996. The Principal District Court, Tiruvannamalai, set aside the awards and remanded the matters to the Arbitrator for fresh evaluation, with a specific direction to allow solatium and interest as per the decision of the Hon'ble Supreme Court in *Union of India v. Tarsem Singh*¹ [*Tarsem Singh-I*].

2.4. Upon remand, the Arbitrator passed revised awards on 15.6.2021 and 31.5.2021, respectively, enhancing the compensation

¹(2019) 9 SCC 304



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market value to twice the original award. However, the Arbitrator again omitted the relief of solatium and interest.

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2.5. The National Highways Authority of India (NHAI) challenged these revised awards under Section 34 of the Arbitration and Conciliation Act, but the District Court dismissed NHAI's petitions, confirming the Arbitrator's awards. Even though the appellants did not challenge the revised awards, seeking solatium and interest, however, the appellants on 25.09.2025 submitted representations directly to the Arbitrator seeking 30% solatium and 15% interest, relying on a decision of the Hon'ble Supreme Court in *Tarsem Singh-I (supra)*. Receiving no response, they filed writ petitions seeking a mandamus to enforce these representations.

2.6. The learned Single Judge dismissed the petitions, holding that once arbitral awards achieve finality without being challenged under Section 34 of the Arbitration and Conciliation Act, they cannot be resurrected or modified through representations or writ proceedings. Hence, the present appeals.



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3.1. Learned Senior Counsel for the appellants submitted that the learned Single Judge erred in declining to direct the Arbitrator to consider the representations dated 25.9.2025, for granting 30% solatium and 15% interest.

3.2. It is further submitted that, in a subsequent order passed in *Kuppan v. Competent Authority*², the learned Single Judge granted relief to similarly situated landowners by directing the disposal of their representations.

3.3. He finally submitted that the landowners ought not to be deprived of statutory benefits merely on procedural grounds.

4.1. Learned Government Pleader appearing on behalf of respondent Nos.1 and 2 submitted that the claim of the appellants is legally unviable under the settled principles of law laid down by the Hon'ble Supreme Court in the latest decision *National Highways Authority of India v. Tarsem Singh*³ [*Tarsem Singh-III*].

² Order dated 3.7.2026 in W.P.No.25107 of 2026

³ 2026 SCC OnLine SC 481



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4.2. He further submitted that a Division Bench of the Madurai Bench of this Court in *National Highways Authority of India v. V.R.Ravi and others*⁴ explicitly overturned orders granting unrestricted directions by the learned Single Judge, where claims suffered from inordinate delay.

5.1. Learned counsel for the third respondent submitted that the *inter se* dispute between the parties achieved finality when the Arbitrator passed revised awards on 15.6.2021 and 31.5.2021, respectively. The appellants never challenged these awards under Section 34 of the Arbitration and Conciliation Act.

5.2. It is further submitted that once an arbitral award is pronounced, the Arbitrator becomes *functus officio*. There exists no statutory power or jurisdiction under the Arbitration and Conciliation Act, 1996 or the National Highways Act, 1956, for an Arbitrator to entertain post-award representations.

5.3. Referring to paragraphs 12 and 14 of the Hon'ble Supreme Court decision in *Tarsem Singh-III (supra)*, learned counsel submitted

⁴Judgment dated 25.6.2025 in W.A.(MD) No.2569 of 2024



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that stale claims that have already attained finality cannot be reopened.

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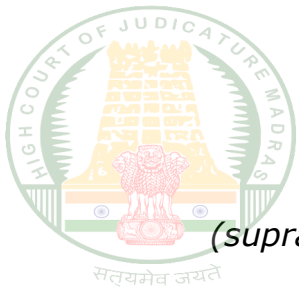
6. Having heard learned counsel appearing on both sides and perused the material on record, including the precedents cited, we proceed to decide the appeals.

7. The constitutional position regarding solatium and interest on land acquired under the National Highways Act, 1956, has evolved through three crucial rulings of the Hon'ble Supreme Court:

(i) In *Tarsem Singh-I (supra)*, the Hon'ble Supreme Court declared Section 3J of the National Highways Act, 1956 unconstitutional to the extent it denied solatium and interest to landowners. It extended parity with Section 23(1-A), Section 23(2) and Section 28 of the Land Acquisition Act, 1894. [However, reference to Section 23(1-A) was later deleted in *National Highway Authority of India v. Tehal Singh (2021 SCC OnLine SC 3175)*].

(ii) In *Union of India v. Tarsem Singh*⁵ [*Tarsem Singh-II*], the Hon'ble Supreme Court rejected the argument that *Tarsem Singh-I*

⁵2025 SCC OnLine SC 235



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(supra) should operate only prospectively, establishing that solatium and interest are integral to the right to just compensation under Article 300-A of the Constitution.

(iii) In *Tarsem Singh-III (supra)*, the Hon'ble Supreme Court addressed the scope of delayed and stale claims and issued the following directions:

"14. Considering the facts and circumstances explained in the instant proceedings along with the various submissions placed on record and with a view to balancing the equities regarding delay and the entitlements of the landowners, we issue the following directions:

(i) All landowners whose claims re: the quantum and/or components of compensation for their lands acquired under the NH Act were alive on or after 28.03.2008, i.e., they were pending before one of the prescribed fora, shall be entitled to seek addition of 'interest', 'solatium', and 'interest on the solatium' to their compensation claim;

(ii) In the cases where compensation claims are alive on the aforesaid date, but the landowner has claimed 'interest', 'solatium', and



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'interest on solatium' after 28.03.2008, no interest on both components shall be payable for the period of delay. Such landowner shall be entitled to 'interest' and 'interest on solatium' only from the date on which such claims were raised; and

(iii) If the claims of the landowners stood concluded prior to 28.03.2008, with no further appeal, Writ Petition, Special Leave Petition, etc., then such landowners are not entitled to seek reopening, review, or modification of the said decision for the purpose of claiming 'solatium' or 'interest'."

[emphasis supplied]

8. In effect, the Hon'ble Supreme Court laid down the following binding directives regarding finality and delay:

(i) Where the claims of landowners stood concluded prior to 28.03.2008 without further appeal, writ petition, or Special Leave Petition etc., landowners are not entitled to seek reopening or review to claim solatium or interest; and

(ii) only where compensation claims remained "alive" (i.e., pending before a prescribed statutory forum) on or after



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28.03.2008, the landowners are entitled to seek addition of solatium and interest.

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9. In the present case, the acquisition of lands for the formation of a bypass road on National Highway 66 (Tindivanam-Krishnagiri) itself was made in the year 2010, in which the competent authority passed an award on 31.08.2012. In the arbitration petition preferred before the second respondent seeking enhanced compensation along with solatium and interest, an award dated 15.06.2021 came to be passed without awarding solatium and interest.

10. In the challenge made to the award under Section 34 of the Arbitration and Conciliation Act, 1996, before the Principal District Court, Tiruvannamalai, in Arbitration O.P.No.4 of 2008, the following order was passed on 10.11.2020:

"In the result, this Arbitration Original Petition is Allowed. The Award passed in Arbitration No.184/2012, 185/2012, 187/2012, 224/2012 & 225/2012 dated 14.03.2016 by the Arbitrator/District Collector, Tiruvannamalai is set aside and the matter is remanded back to Arbitrator/District Collector, Tiruvannamalai to fix the correct market value for the property by analysing the petitioners' property with that of Revenue



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*Register and sale deed fixed by the Petitioners' Counsel before this Court has to be taken in to consideration and in a proper manner value has to be determined for each and every one of the properties and **30% Solatium also to be fixed as per Hon'ble Supreme court ruling CJD 2019 SC 1097**. Further the matter is to be decided in accordance with law and also it is ordered that this matter should be disposed of within three months from the date of receipt of this order and Court Fee is ordered to be refunded to the Petitioners."*

11. However, in the subsequent award dated 31.05.2021 passed after remand, the second respondent/Arbitrator, even though enhanced the compensation, ignored to award solatium and interest, as directed above, in line with the decision of the Hon'ble Supreme Court in *Tarsem Singh-I (supra)*. As referred to earlier, even though the appellants did not challenge the revised award dated 31.05.2021, they submitted a representation dated 25.09.2025 directly to the second respondent/Arbitrator, seeking payment of 30% solatium and 15% interest as held in *Tarsem Singh-I (supra)*.

12. The main plank of contention on the side of the respondents is that, since the appellants have not challenged the award dated 31.05.2021, they are not entitled to seek solatium and interest and



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the Arbitrator has become *functus officio*.

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13. We are not in agreement with the said contention, in view of the specific decision of the Hon'ble Supreme Court in *Tarsem Singh-III* (*supra*).

14. A learned single Judge of this Court, in the case of ***Etti Gounder and Others v. The District Collector, Namakkal and Others***⁶, dealt with a similar plea that the Arbitrator has become *functus officio* and held that since power to decide solatium and interest fall outside the jurisdiction of the authority, they will not become *functus officio*. The relevant extract reads thus:

"26. The NHA I 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

⁶(2021) 6 CTC 618



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become functus officio if they are now required to perform anything in view of the Tarsem Singh case.

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27. 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.

28. Alternatively, even if the contention of the NHAI that the authorities to whom the representations have been addressed have become functus officio is presumed valid, let it make the payment directly to the petitioners. After all, computing the solatium and interest payable to each of the petitioners only requires a calculator, and passing any supplementary award by the CALA for the purpose is only procedural. This argument necessarily fails."



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15. The above order has not been stayed or reversed till date. Placing reliance on this order, several writ petitions have been disposed of awarding solatium and interest, including a case in ***N.Rajasekaran and Another v. Union of India and Others***⁷ and the same has not been challenged. In yet another decision in the case of ***T.Ramamurthy (died) v. Union of India***⁸, the learned single Judge, by a common order, set aside the order of the Project Director and directed the authorities to pay solatium together with applicable interest.

16. In the appeals preferred by the Project Director, NHAI in W.A.Nos.668 and 681 of 2026, this Court, by judgment dated 29.04.2026, disposed of the appeals holding that in the light of the order passed by the Hon'ble Supreme Court in *National Highways Authority of India v. Tarsem Singh and Others*, [Review Petition (Civil) No.2528 of 2025, dated 25.03.2026], nothing survives for adjudication. Adopting the same reasoning, this Court, by judgment dated 22.07.2026, disposed of another appeal preferred by the Project

⁷Order dated 11.12.2020 in W.P.No.18089 of 2020

⁸Order dated 15.09.2025 in W.P.No.18750 of 2018 etc. batch



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Officer, NHAI, Salem v. M.Poomalai and Another in W.A.No.2105 of 2026.

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17. While the Hon'ble Supreme Court in *Tarsem Singh-III* (*supra*) after considering the finality and delay, authoritatively held that the claim of landowners which were concluded prior to 28.03.2008, without any further appeal, writ petition, special leave petition, etc., are not entitled to claim solatium and interest, it was made clear that in cases where compensation claims were pending before any prescribed forum on or after that cut-off date i.e., 28.03.2008, they shall be entitled to solatium and interest. Further, the Hon'ble Supreme Court also made it clear that even if a claim was alive but the demand for solatium and interest was made after 28.03.2008, no interest shall be payable for the period of delay and landowner will be eligible for interest only from the date when the claim was made.

18. The lands were acquired in the year 2008 and the award was passed in the year 2012. The learned Principal District Judge, Tiruvannamalai, in the order passed on 10.11.2020, in a petition filed under under Section 34 of the Arbitration and Conciliation Act, 1996,



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directed to pay solatium and interest in accordance with the Hon'ble Supreme Court's judgment in *Tarsem Singh-I (supra)*. The revised arbitral award was issued only on 31.05.2021, where the solatium and interest were not awarded. Since the claim of compensation was admittedly pending after the cut-off date fixed by the Hon'ble Supreme Court, the appellants claim for solatium and interest cannot be rejected solely on the ground that the award was not put to challenge.

19. The payment of solatium and interest is applicable to the land acquired by the NHAI as the claim clearly falls within the directions set out by the Hon'ble Supreme Court in *Tarsem Singh-III (supra)*, and the appellants can directly make a claim to the competent authority, which shall calculate 30% solatium with applicable interest and settle the benefits. In such circumstances, the rejection of the appellants claim solely on the ground that the award was not challenged cannot be sustained, in view of the decision of the Hon'ble Supreme Court in *Tarsem Singh-III (supra)*. Therefore, the order passed in the writ petition requires interference and is, accordingly, set aside.



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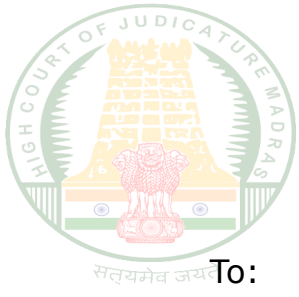
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20. In view of the above, the writ appeals stand allowed and appellants are permitted to make a representation before the competent authority/first respondent and the Project Director, NHAI/ third respondent, within a period of four weeks from today, seeking payment of solatium and applicable interest as per the award. On receipt of such representation, the first and third respondents are directed to grant solatium at the rate of 30% for the land acquired, together with applicable interest as directed by the Hon'ble Supreme Court in *Tarsem Singh-III (supra)*, within a period of six weeks thereafter.

There shall be no order as to costs.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN,J)
07.08.2026

Index : Yes/No
Neutral Citation : Yes/No
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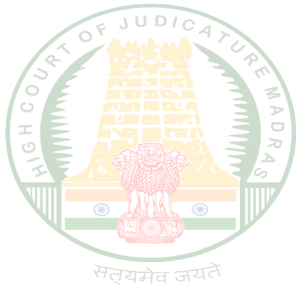


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To:

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1. The Competent Authority
The Special District Revenue Officer (LA),
National Highways 66, Vellore.
2. The Arbitrator/District Collector
Tiruvannamalai.
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