



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2026

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**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR**

**WA No. 1640 of 2026
and
CMP No.15078 of 2026**

1. The Government of Tamil Nadu,
Rep by its Secretary, Highways
Department, Secretariat, Chennai.
2. The District Collector
Chengalpattu.
3. The Divisional Engineer
Highways Department, Chengalpattu
Division, Chengalpattu.
4. The Special Tahsildar (Land
Acquisition)
I.T.Express Highway Scheme,
Tambaram, Chennai- 600 045.

Appellant(s)

Vs

1. Hindustan Institute of Technology
and Science
(Deemed to be University) Rep. by its
Registrar, Rajiv Gandhi Salai (OMR),
Padur, Chennai- 603 103.1291
- 2.The Chief General Manager
Tamil Nadu Road Development
Company Limited, 121, 2nd Floor,
TNMB Building, South Kesavaperumal
Puram, Greenways Road, Chennai.

Respondent(s)



Writ Appeal filed under Clause 15 of Letters Patent against the final order in W.P.No.12684 of 2022 dated 19.03.2025.

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For Appellant(s): Mr.T.Gowthaman
Additional Advocate General

For Respondent(s): Mr.Kandhan Duraisami
For R1

JUDGMENT

(Order of the Court was made by S.M.Subramaniam J.)

By consent of the parties, the matter is taken up for final hearing.

2. Under assail is the writ order dated 19.03.2025 passed in W.P.No.12684 of 2022.

3. Mr.T.Gowthaman, learned Additional Advocate General and Mr.Kandhan Duraisamy, learned counsel for the 1st respondent argued the matter.

4. The State preferred the present intra Court Appeal under Clause 15 of Letters Patent mainly on the ground that the Writ of Mandamus instituted by the respondent seeking compensation for land acquisition under the Tamil Nadu Highways Act is not maintainable. The award came to be passed by the competent authority and the respondent has not exhausted the remedy contemplated under Section 19(2) of the Tamil Nadu Highways Act, 2001. The disputed facts are adjudicated by the writ Court and a separate compensation



was granted. Against the award, an LAOP has been filed.

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5. The learned Additional Advocate General would further contend that the writ petition has been instituted by the respondent seeking compensation for Sewage Water Treatment Plant with machines fully. In fact, the building in entirety including the Sewage Water Treatment Plant with machines fully was assessed by the Land Acquisition Officer/competent authority at the time of considering the quantum of compensation and accordingly, an award was passed. Thus, a separate claim set out by the respondent for grant of compensation for Sewage Water Treatment Plant with machines fully by way of writ petition is not maintainable.

6. Mr.Kandhan Duraisamy, learned counsel for the respondent would oppose by stating that regarding enhancement of compensation LAOP came to be filed and pending. As far as award is concerned, no compensation has been granted for Sewage Water Treatment Plant with machines fully. He would draw the attention of this Court with reference to the award that no separate amount of compensation has been indicated in Sl.No.9 in the details of structures enclosed in the award. He would contend that even initially, land acquisition proceedings was challenged and a joint compromise memo was signed between the parties. Clause (1) and (2) of the Joint compromise memo would show that due compensation for the land acquired from the respondent shall be paid by the Government as per law and the value of the



structures affected by acquisition will be compensated as per the valuation and award passed by the Land Acquisition Officer. Therefore, the Land Acquisition Officer ought to have fixed a separate compensation for Sewage Water Treatment Plant with machines fully. Since the said process had not been undertaken by the Land Acquisition Officer, the writ Court granted the relief. Thus, the writ appeal is to be rejected.

7. This Court has considered the rival submissions made between the parties to the lis on hand.

8. The issue to be considered by this Court are:

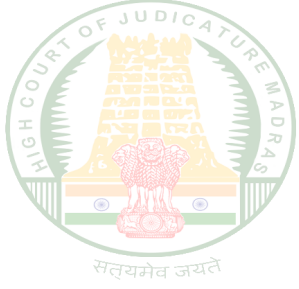
(1) Whether the disputed facts relating to quantum of compensation in respect of the lands acquired can be adjudicated by the writ Court under Article 226 of the Constitution of India?

(2) Whether a writ petition is maintainable without exhausting the statutory remedy contemplated under the Land Acquisition laws, in the present case, the Tamil Nadu Highways Act, 2001?

9. Regarding the alternate remedy contemplated under the Act, Section 19 of the Act, 2001, denotes "Determination of amount". Sub-section(2) and (5) of Section 19, reads as under:

19. Determination of amount-

..(2)Where the amount has been determined by agreement between the Government and the person to which the amount has to be paid, it shall be paid in accordance with such agreement.



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(5) Before finally determining the amount, the Collector shall give an opportunity to every person to whom the amount has to be paid to state his case as to the amount.

10. Admittedly, the respondent has not exhausted the statutory remedy contemplated under the Tamil Nadu Highways Act. The lands were acquired for road project by the State Highways. The Land Acquisition Officer determined the compensation and an award was passed and thereafter, an LAOP seeking enhancement was filed and pending. ,Thus, a Writ of Mandamus seeking a direction to fix the compensation for Sewage Water Treatment Plant with machines fully, does not arise at all. The High Court in exercise of powers under judicial review is not expected to decide the disputed facts of this nature relating to grant of compensation under the land acquisition law. Act by itself contemplates procedures for determination of compensation and appellate remedy to an aggrieved person. Thus, exhausting the statutory remedy contemplated is a paramount importance and the High Court in a writ proceedings cannot determine the quantum of compensation, especially, under a particular head, in the present case.

11. In the present case, the petitioner submitted several representations seeking separate compensation for Sewage Water Treatment Plant with machines fully. Finally, a joint inspection was conducted by the State



Highways Authorities along with the revenue authorities in pursuance to the order of the writ Court. Assessment of Sewage Water Treatment Plant with machines fully were made in full, and compensation awarded includes the said plant. While assessing the building and structure, the competent authority assessed the Sewage Water Treatment Plant with machines and accordingly, awarded the compensation. Therefore, question of grant of separate compensation for Sewage Water Treatment Plant with machines fully, does not arise at all.

12. Even assuming that certain errors in assessment is committed or a mistake crept in, in the award passed by the Land Acquisition Officer, an aggrieved person has to approach the competent authority under Section 19 of the Tamil Nadu Highways Act for determination of compensation or seeking enhancement of compensation. Contrarily, it would be unnecessary for the High Court to entertain such disputed facts which is to be done, based on evidences and by examining various factors and documents. The High Court cannot conduct a roving enquiry in such matters regarding fixation of quantum of compensation and if any such exercise is done, the same may cause prejudice to any of the parties.

13. Regarding the ground raised by the respondent that the compensation was not quantified as per the Joint Memo of Compromise recorded by the writ Court in W.P.No.17914 of 2010 etc. dated 06.06.2018,



Clause (1) and (2) of the Joint Compromise Memo indicates that due compensation for land acquired shall be paid by the Government as per law.

In this regard, the stand of the appellants are that the assessment of buildings are made inclusive of the Sewage Water Treatment Plant with machines fully and compensation is determined. Thus, the quantum of compensation fixed is as per law. The value of structure affected by acquisition was also assessed and compensation has been fixed. Thus, there is no violation in respect of the agreement entered into between the parties by way of joint memorandum of compromise.

14. This Court is of the considered view that the power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure that the process through which a decision has been taken by the competent authority, in consonance with the statutes and rules, but not a decision itself. Therefore, the constitutional courts time and again reiterates that the disputed facts may not be adjudicated in a writ proceeding especially, when scrutinisation and verification of original documents and assessment are required. In the case of land acquisition, several opportunities are provided for the aggrieved person/land loser to exhaust their remedies. In the present case the respondent has admittedly, not exhausted the statutory remedy contemplated, but has chosen to file a writ petition seeking compensation for Sewage Water Treatment Plant with machines fully.



15. As regards the facts relating to grant of compensation for Sewage Water Treatment Plant with machines fully are disputed between the parties, i.e., the learned Additional Advocate General would submit that compensation including Sewage Water Treatment Plant with machines fully has been settled. Per contra, the respondent would submit that a separate compensation should be granted. Such disputed fact cannot be adjudicated in writ proceedings and more so, in the present case, the alternate remedy has not been exhausted by the respondents. Under these circumstances, this Court is of the considered view that the writ order impugned cannot be sustained. Consequently, the order dated 19.03.2025 passed in W.P.No1.2684 of 2022, is set aside. The Writ Appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.SUBRAMANIAM J.) (N.SENTHILKUMAR J.)
30.06.2026

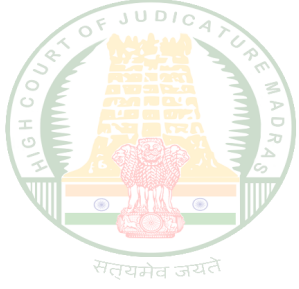
Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No
VSI

To

1. Hindustan Institute of Technology
and Science
(Deemed to be University) Rep. by its
Registrar, Rajiv Gandhi Salai (OMR),
Padur, Chennai- 603 103.1291



2.The Chief General Manager
Tamil Nadu Road Development
Company Limited, 121, 2nd Floor,
TNMB Building, South Kesavaperumal
Puram, Greenways Road, Chennai.



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