

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2015

CORAM

THE Hon'ble Mr.JUSTICE M. DURAISWAMY

W.P.No.32185 of 2014  
and M.P.No.1 of 2014

Rane Brake Lining Limited, represented by  
Deputy General Manager - TQM & OHS  
Mr.S. Rajendra Kumar, having its registered  
Office at "Maithri" No.132, Cathedral Road,  
Chennai - 600 086 ..... Petitioner

vs

1. The Special Tahsildar ( Land Acquisition),  
National Highways - 5, Taluk Office  
Second Floor, Poonamallee, Chennai-56
2. The Special District Revenue Officer  
(Land Acquisition), National Highways  
Kancheepuram and Thiruvallur District,  
Second Floor, Taluk Office Premises,  
Poonamallee, Chennai - 56
3. The Union of India, Department of Road  
Transport and Highways, Ministry of  
Shipping, Road Transport and Highways  
represented by its Secretary, 5<sup>th</sup> floor,  
Transport Bhawan, 1, Parliament Street,  
New Delhi, Delhi - 110 001 ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus to call for the records of the impugned Order Re.135/2006/A/NH/TVR, dated 11.02.2014 on the file of the first respondent and quash the same as illegal and unconstitutional and consequently direct the second respondent or any other competent authority to determine and pay compensation to the petitioner for 2300 square metres of land in survey number 95/2A and 800 square metres of land in survey number 95/2C in Athipattu village acquired by the third respondent under the National Highways Act 1956 for the construction and maintenance management and operation of Chennai Bypass Phase II, connecting National Highway No.4 and National Highway No.5.

For petitioner : Mr.Ramakrishnan Viraraghavan  
For R.1 & R.2 : Mr.V. Subbiah  
Spl.Govt. Pleader

For R.3 : Mr.C.V. Ramachandramoorthy

#### ORDER

The petitioner has filed the above writ petition to issue a Writ of Certiorarified Mandamus to call for the records of the impugned Order Re.135/2006/A/NH/TVR, dated 11.02.2014 on the file of the first respondent and quash the same as illegal and unconstitutional and consequently direct the second respondent or any other competent authority to determine and pay compensation to the petitioner for 2300 square metres of land in survey number 95/2A and 800 square metres of land in survey number 95/2C in Athipattu village acquired by the third respondent under the National Highways Act 1956 for the construction and maintenance management and operation of Chennai Bypass Phase II, connecting National Highway No.4 and National Highway No.5.

2. The main contentioonn raised by the learned counsel for the petitioner is that the first respondent is not the competent authority under Sec.3(a) of the National Highways Act to determine and pay compensation for the land acquired under Sec.3G of the National Highways Act, therefore, the impugned order, passed by the first respondent, is liable to be set aside.

3. The respondents 1 and 2 filed their counter, wherein, they have stated that the second respondent is the competent authority to determine the compensation under Sec.3(a) of the Natinal Highways Act. However, the respondents 1 and 2 have also stated that the Tamil Nadu Urban land Ceiling and Regulation Act 1999 permit the innocent buyers to restore the lands acquired under earliest act after getting orders from the Government. Further, they have stated tht the petitioner has not got any order from the Government so far.

4. In the counter, they have also stated that the petitioner had filed a Writ Petition in W.P.No.32025 of 2005 to quash the acquisition under Tamil Nadu Urban Land Ceiling Act 1978 and the writ petition was allowed by this Court on 18.4.2011. Since the respondents themselves have stated that it is only the second respondent, who is the competent authority to determine the compensation under National Highways Act, the impugned order, passed by the first respondent, in Re.135/2006/A/NH/TVR, dated 11.02.2014 is liable to be set aside and accordingly, the same is set aside and the matter is remanded back to the second respondent for fresh consideratioin and the second respondent shall decide the matter, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner's authorised representative, within a

period of three months from the date of receipt of copy of this order.

5. With the above observation, the writ petition is allowed. No costs. Consequently, connected MP is closed.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sr

To

1. The Special Tahsildar ( Land Acquisition),  
National Highways - 5, Taluk Office  
Second Floor, Poonamallee, Chennai-56
2. The Special District Revenue Officer  
(Land Acquisition), National Highways  
Kancheepuram and Thiruvallur District,  
Second Floor, Taluk Office Premises,  
Poonamallee, Chennai - 56
3. The Union of India, Department of Road  
Transport and Highways, Ministry of  
Shipping, Road Transport and Highways  
represented by its Secretary, 5<sup>th</sup> floor,  
Transport Bhawan, 1, Parliament Street,  
New Delhi, Delhi - 110 001

1 cc to Mr. Ramakrishnan Viraraghavan, Advocate, Sr. 17172  
1 cc to Government Pleader, Sr. 17322

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GJ (CO)  
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