



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :02.08.2016
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P(MD) .No.6387 of 2014

and

M.P. (MD) .Nos.1 and 2 of 2014

WEB COPY

Bharat Heavy Electricals Limited,
rep. by its Estate Officer,
Trichy.

.. Petitioner

Vs.

1.Special District Revenue Officer,
Competent Authority (Land Acquisition),
National Highways Authority of India,
Collectorate,
Trichy.

2.The District Collector,
Collectorate,
Trichy.

3.Project Director,
Project Implementation Unit,
National Highways Authority of India,
No.54,First Floor, Natarajapuram Colony,
Medical College Road,
Thajavur.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, to call for the records comprised in the impugned order of the 1st respondent in Na.Ka.E.24-2007, dated 31.12.2013 and quash the same in so far as the observation on compensation to be paid to the petitioner as ultra vires Section 3C(2) of the National Highways Act, 1956 and consequently direct the 1st respondent to proceed strictly as per the provisions of the National Highways Act, 1956.

For petitioner : Mr.Raguvaran Gopalan

For Respondent : Mr.S.Kumar

Additional Government Pleader for R2

ORDER

This writ petition is filed challenging the order issued by the first respondent dated 31.12.2013, in proceedings under Section 3(C)2 of the National Highways Act, 1956.



2. When the matter is taken up for hearing, learned counsel appearing for the petitioner submitted that he is mainly aggrieved by the observations made by the first respondent in the order whereby the petitioner's right to claim compensation under the Act has been negated by the first respondent.

WEB COPY

3. Heard both sides and perused the materials available on record.

4. Reading of the impugned order clearly shows that there was no final adjudication by the first respondent with regard to the entitlement of the petitioner for compensation in accordance with the provisions of National Highways Act. However, the first respondent has observed that the question of payment of compensation does not arise in this case as to lands now sought to be acquired, had already been acquired by the Government in favour of the petitioner/corporation. Having regard to the fact that the petitioner has conceded that the prayer for quashing the acquisition need not be granted and that this Court may clarify the position as to the entitlement of the petitioner to claim and get compensation for the lands and the constructions and other aspects, in terms of the provisions of the National Highways Act, this Court hold that the observations made by the first respondent with regard to the petitioner's entitlement to get the compensation shall not stand in the way of petitioner to get compensation for the land, building works and other developments in accordance with the provisions of National Highways Act and at the appropriate time in accordance with the provision of the National Highways Act, 1956.

5. With the above observation, the writ petition stands disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (P & A)

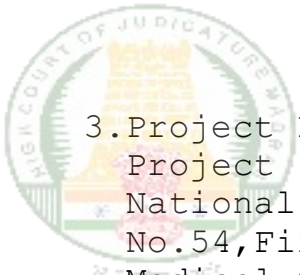
/True Copy/

Sub Assistant Registrar

To

1. Special District Revenue Officer,
Competent Authority (Land Acquisition),
National Highways Authority of India,
Collectorate, Trichy.

2. The District Collector,
Collectorate, Trichy.



3. Project Director,
Project Implementation Unit,
National Highways Authority of India,
No.54, First Floor, Natarajapuram Colony,
Medical College Road, Thajavur.

WEB COPY

+1cc to M/s.K.Prabhakar, Advocate SR.No.42027
+1cc to Special Government Pleader SR.No.41534

W.P(MD) .No.6387 of 2014

02.08.2016

pjl
SD/DB/02.09.2016/3P/6C