

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

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The Honourable **Mr.Justice HULUVADI G.RAMESH,**

and

The Honourable **Dr.Justice S.VIMALA**

W.A.NO.238 OF 2013 &
M.P.No.1 of 2013

The Project Director,
National Highways Authority of India,
No.6, Old No.44, First Floor,
3rd Main Road,
Pon Nagar,
Trichirappalli-620 001.

.. Appellant

versus

1. Subramani
2. Ravichandran
3. Rames
4. Usha

5. The Special District Revenue Officer,
Land Acquisition,
National Highways Department,
O/o Collector Office Campus,
Villupuram District.

6. The Ulundurpet Town Panchayat
rep. by its Executive Officer,
Ulundurpet, Villupuram District.

.. Respondents

For Appellant : Mr.M.Richardson for
M/s.P.Wilson Associates

For Respondents : Mr.AR.L.Sunderasan-R1toR4
Mrs.A.Srijayanthi, Spl.G.P.-R5
Mr.P.S.Sivashanmugasundaram,
Spl.G.P.for R6

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order of the learned single Judge dated 01.11.2012 in W.P.No.28752 of 2011.

JUDGMENT

(Judgment of the Court was made by
HULUVADI G. RAMESH, J.)

This Writ Appeal has been directed against the order of the learned single Judge dated 01.11.2012 in W.P.No.28752 of 2011.

2. According to the respondents 1 to 4, they are the land owners in respect of the land which was acquired by the acquisitioning authorities for the purpose of laying Ulundurpet Bypass road on National Highway-45, and they are entitled to the compensation. The first respondent, while passing the award dated 31.1.2007, in respect of the subject acquired land which was shown as road in the draft layout, held that the

compensation has to be paid only to Local Town Panchayat/6th respondent herein since they are the owners of the land. However, surprisingly, the 6th respondent, by letter dated 6.8.2010 has reported no objection for the petitioners getting compensation since the subject acquired property was not gifted to the Town Panchayat. Based on the certificate issued by the 6th respondent, the respondents 1 to 4 approached the first respondent for payment of compensation. Since no response was forthcoming, they approached this Court by way of a writ petition.

3. It is pertinent to note that payment to the Local Panchayat does not arise since the lay out was admittedly not sanctioned by the competent authority and as such, the subject land was not gifted to the Local Panchayat and that possession of the property was also not taken by them. Further, the Local Panchayat itself vide proceedings dated 6.8.2010, gave no objection for the respondents 1 to 4 to receive compensation, which is a sum of Rs.23,52,895/-. Further, the persons who had purchased unapproved plots had also not made any claim in

respect of the acquired property. Therefore, there is absolutely no rival claimant from any quarter to claim compensation apart from the respondents 1 to 4. It is the specific case of the respondents 1 to 4 that they are the owners of the subject land and entitled to receive the compensation. The appellant raised contention that irrespective of the fact that whether layout is an approved or not, roads and streets are necessarily earmarked for the usage of those purchasers and for the public at large and therefore, after selling the plots by the respondents 1 to 4 by forming a layout even if it is not approved, it goes without saying that such roads lose the character of private property as such, the respondents 1 to 4 are not entitled to compensation. We do not find any substance in the said contention raised on behalf of the appellant in view of the fact that the Local Panchayat itself has reported no objection for the respondents 1 to 4 to receive the compensation, which shows that they have no right over the acquired subject property.

For the foregoing reasons, we do not find any infirmity in the order of the learned Judge in order to interfere with the

same. Accordingly, the Writ Appeal fails and it is dismissed. No costs. Consequently, connected MP is closed.

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(H.G.R.,J.) (S.V.,J.)
12.04.2017

To

1. The Project Director,
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HULUVADI G.RAMESH, J.
and
DR.S.VIMALA, J.
suk

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