

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.09.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.16186 of 2011

G.Poosanam

... Petitioner

Vs.

1. The Project Director
National Highways Authority of India
No.7E, 5th Cross
Jakkappan Nagar
Krishnagiri.
2. The District Collector
Sathuvachari
Vellore District
Vellore - 9.
3. The Special District Revenue Officer
National Highways - Land Acquisition
Vellore - 9.
4. The Special Tahsildar
O/o.The Special District Revenue Officer
National Highways - Land Acquisition
Vellore - 9.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, to direct the first respondent to return the lands in Survey Nos.297 & 298 situated at Melmanavur Village, Vellore Taluk and District, to the petitioner for which, the petitioner has made a representation dated 11.04.2011 and marked copies to the respondents 2 to 4.

For Petitioner :Mr.R.Malaichamy

For Respondents:Mr.Su.Srinivasan

Standing Counsel for R1

Mr.M.Elumalai

Additional Government Pleader [RR2 to 4]

O R D E R

The petitioner has filed the above writ petition to issue a Writ of Mandamus directing the first respondent to return the

lands in Survey Nos.297 & 298 situated at Melmanavur Village, Vellore Taluk and District to him, for which, he has made a representation dated 11.04.2011 with a copy marked to the respondents 2 to 4.

2. It is the case of the petitioner that the lands acquired from the petitioner has not been utilised for any purpose by the respondents, and hence, the acquired lands may be returned to him.

3. Mr.Su.Srinivasan, learned Standing Counsel appearing for the first respondent submitted that the lands were acquired under the National Highways Act and there is no provision under the said Act to re-convey the lands to their original land owners. That apart, in the counter filed by the first respondent, it has been stated that the acquired lands which is in possession of the first respondent are going to be utilized for various purposes. Therefore, in the absence of any provision to re-convey the lands to the original land owners under the National Highways Act, the relief sought for by the petitioner cannot be considered.

4. Mr.M.Elumalai, learned Government Advocate appearing for the respondents 2 to 4 also reiterated the submissions of Mr.Su.Srinivasan, learned counsel appearing for the first respondent.

5. As rightly contended by the learned Standing Counsel appearing for the first respondent, this Court is of the view that there is no provision under the National Highways Act, 1956 to re-convey the acquired lands to the land owners. In the absence of any specific provisions under the said Act, the respondents cannot re-convey the lands to the original land owners. The authorities cannot go beyond the scope of the National Highways Act, 1956. In these circumstances, the relief sought for by the petitioner in the writ petition as well in his representation dated 11.04.2011, cannot be granted.

6. In such view of the matter, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1. The Project Director
National Highways Authority of India
No.7E, 5th Cross
Jakkappan Nagar, Krishnagiri.
 - 2.The District Collector
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Vellore District, Vellore - 9.
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O/o.The Special District Revenue Officer
National Highways - Land Acquisition, Vellore - 9.
- +1 cc to M/s.R.Malaichamy, Advocate Sr.No. 30167

W.P.No.16186 of 2011

AJS (CO)
RMP (29/10/2020)