



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23-09-2021

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.13634 of 2016

R.Ramasundaram

.. Petitioner

vs.

- 1.The Competent Authority and
Special District Revenue Officer,
(LA) NH 7, 46, 47 and 66,
Salem - Krishnagiri District,
Krishnagiri.
- 2.The Special Tahsildar,
(LA) National Highways 7, 47 and 68,
Udayapatti,
Salem - 14.
- 3.The Special Tahsildar,
(LA) National Highways 68,
Aathur (stay) Salem.
- 4.The Project Director,
Indian National Highways Commission,
Narasothipatti,
Salem - 4.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to hand over the possession of land to an extent of 495 sq. ft., in S.No.69/1B12 to the petitioner, situated at Kottagoundambappatti Village, Omalur Taluk, and consequently, direct the respondents to pay the appropriate compensation for illegal demolition of the shop.

For Petitioner	: Mr.M.Elango
For Respondents-1to3	: Mr.C.Kathiravan, Government Advocate.
For Respondent-4	: Mr.Aditya Raj for M/s.P.Wilson Associates.



O R D E R

The relief sought for in the present writ petition is to direct the respondents to hand over the possession of land to an extent of 495 sq. ft., in S.No.69/1B12 to the petitioner, situated at Kottagoundambappatti Village, Omalur Taluk, and consequently, direct the respondents to pay the appropriate compensation for illegal demolition of the shop.

2. The subject property was acquired for formation of four laning of National Highways No.7 road and consequently acquisition proceedings were initiated, notification was issued and final award was also passed. The procedures followed under the provisions of the National Highways Act, 1956, are stated in the counter-affidavit filed by the first respondent, in paragraphs 3 and 4, which read as under:-

"3. It is true that the land in question is his self acquired property as per Doc.No.4507/2004 dated 01.11.2004 from the vendor (viz) Venkatachalam, Thulasiammal and Annamalai. To widening of NH - 7, Notification under Section 3D(1) of NH Act, 1956 was published in the Government Gazette of India No.766 Part II Section 3 sub-section (ii) and S.O.No.1236 (E) dated 14.05.2009 and not 05.06.2009 as contended by the writ petitioner in para 2 of the writ petition. After observing usual formalities, the Competent Authority has passed Award in his order No.1480/2009 (A1) dated 20.08.2009 including the S.No.69/1B12A to an extent of 169.5 sq. mts.

4. It is submitted that the contention of the writ petition is not correct. In the 3D(1) Notification the area of the acquired land was mentioned as 169.5 sq. mts and not 19.5 sq. mts as contended in the writ petition. But in the award proceedings 19.5 sq. mts acquired portion of the writ petitioner was mentioned in the proceedings in S.No.69/1B12A (part). The said land as per Revenue records it is noticed as S.No.69/1B12 measuring an extent of 0.03.0 stands registered in the names of Thiru Perumal, S/o.Govindaraj and Ramasundaram (the writ petitioner), S/o.Ramasamy of Kottagoundampatty Village, Omalur Taluk, Salem District. In the registered document (4507/2004) of the writ petition, there is no measurement mentioned on 4 sides instead the following description of property was mentioned in the document.

கிருஷ்ணன் நிலத்திற்கும் - கிழக்கு

சென்றாய பெருமாள் கோவில் மானிய நிலத்திற்கும் - மேற்கு, வடக்கு



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பெருமாள் நிலத்திற்கும் - தெற்கு

3-3/4 cent or (1635 sq.ft.) of vacant land. In the absence of the measurement of 4 sides, it is not correct to say the correct area of the land owned by the writ petitioner as per the document and also there is a difference of extent of land as per Revenue records and state on ground. Hence, there is a discrepancy. Only the area required for widening of NH - 7 road was acquired and compensation for the land acquired from the writ petitioner was paid to the writ petitioner."

3. In view of the fact that the subject property was already acquired for widening the National Highways 7 road and the Award was also passed in the year 2009 itself, the petitioner is entitled for the compensation. If the petitioner has not received any compensation, it is left open to him to approach the Competent Authorities for receiving the compensation. However, the relief of handing over possession of the property, cannot be considered in view of the fact that the subject property was acquired for widening the National Highways No.7 Road.

4. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

Svn

To

1.The Competent Authority and
Special District Revenue Officer,
(LA) NH 7, 46, 47 and 66,
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Krishnagiri.

2.The Special Tahsildar,
(LA) National Highways 7, 47 and 68,
Udayapatti,
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3.The Special Tahsildar,
(LA) National Highways 68,
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4.The Project Director,
Indian National Highways Commission,
Narasothipatti,
Salem - 4.

+1 cc to M/s.P.Wilson Associates, Advocate Sr.NO. 49651

WP 13634 of 2016

sr ii (CO)
A.SK(13.10.2021)