



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.07.2021

CORAM:

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.A. (MD) .No.340 of 2019

WEB COPY

V.Alfred

...Appellant/Writ Petitioner

Vs.

1. The Secretary,
Ministry of Transport and Highways,
Government of India,
New Delhi.
2. The Special District Revenue Officer (Land Acquisition),
National Highways,
299/A1 A2-3rd Middle Street,
Thiyagarajar Nagar,
Tirunelveli - 11.
3. The Project Director,
National Highways Authority of India,
Tirunelveli.

...Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letter Patent Act, to set aside the order dated 29.11.2018 made in W.P(MD).No.7619 of 2015 on the file of this Court and allow the above writ appeal.

Prayer in WP(MD) . 7619/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the notification passed by the respondents under Sub Section (1) of Section 3D of National Highways Act 1956 (48 of 1956) in Notification No. 224 S.O. No. 264 (E) dated 7th February 2011 and quash the same.

For Appellant : Mr.K.K.Kannan

For Respondents : Mr.S.Jeyasingh,

Central Government Standing Counsel,
For R1.

Mr.A.K.Manickam,
Standing Counsel for Govt.
For R2.

Mr.C.Arulvadivel @ Sekar,
For R3.



J U D G M E N T

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

This Writ Appeal is directed against the order dated 29.11.2018 made in W.P.(MD)No.7619 of 2015.

2. Heard the learned counsel for the appellant and the learned counsel for the respondents.

3. The said Writ Petition was filed challenging the notification issued under Section 3 D(1) of the National Highways Act, 1956, dated 07.02.2011 and the Writ Petition was dismissed by the impugned Order.

4. After elaborately hearing the learned counsel for the appellant and the learned counsel for the respondents, we find that the learned Writ Court has rightly dismissed the Writ Petition. We approve the conclusion of the learned Writ Court for following reasons.

5. The Writ Petition was filed in the year 2015, challenging the notification issued under Section 3 D(1) of the National Highways Act, 1956. Therefore, the writ petition was liable to be dismissed on the ground of unexplained delay and laches. Secondly, the Writ Petition was liable to be dismissed as not maintainable as the award was passed as early as on 28.03.2013 and thirdly, the project has been implemented by the National Highways authorities.

6. The learned counsel for the appellant would contend the appellant has not been paid compensation.

7. The learned counsel appearing for the National Highways Authority would submit that the compensation was paid.

8. This dispute cannot be resolved here. If the appellant has also pleaded before the concerned District Court for enhancement of compensation, we leave it open to the appellant to pursue his claim for enhancing compensation in the said petition pending before the appropriate District Court.

9. With the above observations, this Writ Appeal stands dismissed. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

kmm/sm



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To

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+1 CC to M/s.S.JEYASINGH, Advocate (SR-21421[F] dated 07/07/2021)

+1 CC to M/s.K.K.KANNAN, Advocate (SR-21426[F] dated 07/07/2021)

+1 CC to M/s.SPL GP (SR-21741[F] dated 08/07/2021)

W.A. (MD) .No.340 of 2019
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