



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2021

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)No.15779 of 2021

WEB COPY

K.Rathinam

... Petitioner

Vs.

- 1.The Regional Officer,
National Highway Authority of India,
Regional Office, Madurai
2nd & 3rd Floor, Vijay Krishna Plaza
No.1 lake Area,
Melur Main Road,
Mattuthavani, Madurai - 625107.
- 2.The Project Director,
National Highway Authority of India,
PIU Dindigal,
Chennamanayakkanpatti, Dinidigul,
Tamil Nadu 624004.
- 3.The Superintending Engineer,
Office of the Superintending Engineer (H),
Madurai Circle, Alagarkoil Road, Madurai-625007.
- 4.The Chief Engineer,
National Highways,
HRS Campus, Guindy, Chennai 600025.
- 5.The District Collector,
Thiagi Subramania Siva Malihai,
Velu Nachiyar Valaham, Chettinaickenpatti,
Dindigul - 624004.
- 6.The Revenue Divisional Officer (Dindugal),
Thiagi Subramania Siva Malihai,
Velu Nachiyar Valaham, Chettinaickenpatti, Dindigul - 624004.
- 7.The Principal Secretary to Government,
Highways and Minor Ports,
Government of Tamil Nadu,
Secretariat Fort St.George,
Chennai-600009.



8.The Chairman,
National Highways Authority of India,
NHAI Headquarters,
National Highways Authority of India,
G5&6, Sector - 10, Dwarka,
New Delhi-110075.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 11.06.2021 by granting one year time (upto 31st May 2022) for vacating the Residential house situated in S.No.352/8B measuring an extent 3800 Sq.ft encompassed with compound wall adjoining Dindigul Palani Road, Palakkanuthu Village, Dindigul West Taluk, Dindigul District.

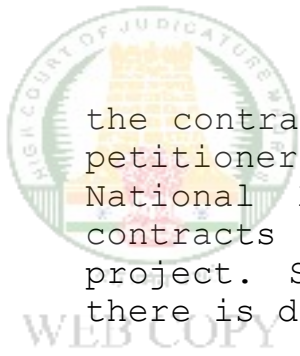
For Petitioner : Mr.V.Kathirvelu
For R1, R2 & R8 : Mr.Arul Vadivel @ Sekar,
Learned Standing Counsel.
For R3 to R7 : Mr.P.Subbaraj,
Counsel for State.

ORDER

The petitioner seeks the consideration of his representation dated 11.06.2021 seeking one year's time up to 31.05.2011 for vacating the residential house situated at Survey No.352/8B Palakkanuthu Village, Dindigul West Taluk, Dindigul District.

2. The petitioner states that he was the erstwhile owner of the above mentioned land. It is stated that such land was acquired for purposes of widening of NH-209 from a two lane highway to a four lane highway. The petitioner admits that he received the compensation amount of Rs.48,74,366/- (Rupees Forty Eight Lakhs Seventy Four Thousand Three Hundred and Sixty Six only) in December 2020. However, the petitioner asserts that the house of the petitioner would not be an impediment to the road widening project at this juncture. Therefore, he seeks an extension of time to hand over possession of the property.

3. Mr.Arulvadivel @ Sekar, learned Standing Counsel, accepts notice on behalf of respondents 1, 2 and 8. Mr.P.Subbaraj, learned counsel for the State, accepts notice on behalf of respondents 3 to 7. Mr.Arulvadivel @ Sekar submits that the National Highways Act, 1956 provides for a maximum period of sixty (60) days to the person whose land is acquired for handing over possession thereof. Indeed, he submits that this is not a case where the compensation amount has merely been deposited ; On



the contrary, the compensation amount was actually received by the petitioner as early as in December 2020. He also points that the National Highway Authority of India (NHAI) has entered into contracts with contractors for execution of work under the project. Such contractors would claim damages from the NHAI if there is delay in handing over the site.

4. The petitioner is unable to indicate any legal basis on which he seeks an extension of time. The only contention is that the project is at an early stage and, therefore, the property may not be required at this juncture. However, as correctly pointed out by learned Standing Counsel for the NHAI, in projects of this nature, the employer is required to hand over the site as per the schedule specified in the relevant contract. In the event of default, the employer would be liable to pay damages for idling to the relevant contractor. In addition, it is likely that there will be a cost and time overrun if the project is delayed.

5. For all these reasons, the petitioner has failed to make out a case to direct the consideration of his representation. Consequently, W.P.(MD).No.15779 of 2021 is dismissed without any order as to costs. However, it will be open to the petitioner to negotiate with the NHAI and agree upon any terms relating to the handing over of the relevant site.

Sd/-

Assistant Registrar (CS III)

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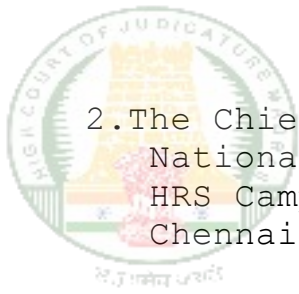
Sub Assistant Registrar(CS)

tsg

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Superintending Engineer,
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2.The Chief Engineer,
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5.The Principal Secretary to Government,
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W.P (MD) No.15779 of 2021
06.09.2021

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