



W.P.No.17123 to 17125 of 2010

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 13.09.2022

**CORAM**

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

**W.P.Nos.17123 to 17125 of 2010**  
**and MP.Nos.2 of 2010 (3 petitions)**

|               |                                   |
|---------------|-----------------------------------|
| V.Vinayagam   | ..Petitioner in W.P.No.17123/2010 |
| V.Nanda Kumar | ..Petitioner in W.P.No.17124/2010 |
| V.Raji        | ..Petitioner in W.P.No.17125/2010 |

Vs.

- 1.Union of India,  
rep.by its Secretary,  
Ministry of Road Transport and Highways,  
New Delhi.
- 2.Project Director,  
National Highways Authority of India,  
No.8, 29<sup>th</sup> Cross Street, Indira Nagar,  
Adyar, Chennai 20.
- 3.The Special District Revenue Officer,  
(Land Acquisition),  
National Highways Project,  
Kancheepuram and Thiruvallur District,  
Kancheepuram.
- 4.The Special Thasildhar,  
(Land Acquisition)),



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National Highways Project,  
Poonamalle, Chennai 600 056.

...Respondents in all petitions

**Common Prayer:** Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus Calling for the records on the file of the third respondent relating to the impugned order in R.C.No.136/006/A/NH/TVR dated 06.11.2009 passed by the third respondent pertaining to the acquisition of lands belonging to the petitioner lands in Survey Number 86/1A2 part measuring an extent of 153 Sq.mts. and in S.No.14/4C2 measuring an extent of 250 Sq.mts. in all admeasuring of 403 Sq.mts, S.F.No.14/3 part later it is sub divided as S.F.No.14/4A2 measuring an extent of 661 sq.mts, and S.F.No.14/4B2 measuring an extent of 546 sq.mts, at No.71 Vanagaram Village have been proposed to be acquired by the Second Respondent for Chennai Bypass (Phase-II) connecting National Highway No.4 and National Highway No.5 and widening of Chennai Bypass (Phase I) connecting National Highways No.45 and National Highways No.4 in Vanagaram Village, Thiruvallur District and to quash the same and for a order of direction to enquire the petitioner under Section 3G(2) of the National Highways Act.

For Petitioner in all petitions : Mr.David Tyagaraj

For RR1 in all petitions : Mr.J.Madanagopal Rao

For RR2 in all petitions : Ms.S.R.Sumathy

For RR3 & 4 in all petitions : Mr.D.Ravichander

Special Government Pleader

### **Common Order**

These petitions have been filed for issuance of writ of Certiorarified Mandamus Calling for the records on the file of the third respondent dated 06.11.2009 pertaining to the acquisition of lands belonging to the



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petitioner lands and quash the same and for a order of direction to enquire the petitioner under Section 3G(2) of the National Highways Act.

2. Since the issue arises in these writ petitions are one and the same, this Court is inclined to take up these matters together and disposed of by this common order.

3. The case of the petitioners is that their father had purchased properties in various survey numbers at No.71, Vanaragam Village, Ambattur Taluk, Tiruvallur District and the petitioners were allotted with various extent of the said land, which were under their cultivation. While so, the petitioners' lands have been acquired by the 2<sup>nd</sup> respondent for laying Chennai Bypass (Phase-II) connecting National Highway No.4 and National Highway No.5 and widening of Chennai Bypass (Phase I) connecting National Highways No.45 and National Highways No.4 in Vanagaram Village, Thiruvallur District. Challenging the said acquisition, the petitioners had filed W.P.Nos.10271, 10278 and 10279 of 2009 before this Court, however the said Writ Petitions were dismissed to agitate the



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matter before the authorities for determining the compensation payable to their lands. Further though notice u/s.3G(3) under the National Highways Act was issued and served on the petitioner on 27.04.2007, no enquiry has been conducted and without giving any opportunity to the petitioners, the award was passed in terms of Section 3G(1) of the said Act and being not satisfied with the award passed by the Land Acquisition Officer, these writ petitions are filed.

4. The learned counsel appearing for the petitioners submitted that as against the award passed, there is an effective remedy available before the District Collector / Arbitrator, in terms of Section 3G(5) of the National Highways Act, 1956 and hence this Court may grant liberty to the petitioners to file an appropriate appeal before the District Collector / Arbitrator and prays for appropriate orders in that regard.

5. The learned Special Government Pleader appearing for the respondents 3 and 4 has no serious objections for the said order being passed.



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6. This Court considering the facts and circumstances of the case and the limited relief sought for by the learned counsel appearing for the petitioners, and further without going into the merits of the case, grants liberty to the petitioners to file an appropriate appeal before the District Collector, within a period of two weeks from the date of receipt of a copy of this order and if any such appeal is received from the petitioners, the District Collector shall pass appropriate orders in terms of decision rendered by the Hon'ble Apex Court reported in **2019 (9) SCC 304 (Union of India and another Vs. Tarsem Singh)** and further the period pending before this Court is excluded for the purpose of calculation of limitation before the competent forum to enable the petitioners to workout their remedy.

7. These Writ Petitions are disposed of with the above observations. No costs. Consequently connected miscellaneous petitions are closed.

13.09.2022

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**M.DHANDAPANI,J.**



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To

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