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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.22183 OF 2012

K.S.Murali

...Petitioner

Vs

1.The District Collector,
Thiruvallur.

2.The Special District Revenue Officer,
Thiruvallur District,
155/60, Jawarlal Nehru Street,
Thiruvallur District.

3.The Divisional Engineer,
Highways, Thiruvallur.

4.The Contractor, TRANS TRIA,
Thiruvallur.

...Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records on the file of the second respondent bearing notification number Rc.12/2010/DRO/LA/NH 205, dated 06.07.2010 published under Section 3G (3) and (4) in proceedings nil dated nil in the Dinamani Daily dated 26.06.2011, and to quash the proceedings therein as illegal incompetent and without jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader
(for R1 to R3)

ORDER

This writ petition is filed to issue a Writ of Certiorari to call for the records on the file of the second respondent, bearing Notification Number Rc.12/2010/DRO/LA/NH 2015, dated 06.07.2010 published under Sections 3G (3) and (4) of the National Highways Act, 1956 (hereinafter referred to as 'the



Act' for short) in proceedings nil, dated nil, in the Dinamani Daily dated 26.06.2011, and to quash the proceedings therein.

2. The land ad-measuring an extent of 209541 sq.mts was requisitioned by the National Highways Authority of India comprised in S.No.271/3B2 etc, inclusive of the petitioner's land comprised in S.Nos.353/1 & 353/4A of Thirupatchoor Village, Tiruvallur Taluk & District for the purpose of building (widening of four laning etc.,) maintenance, management and operation of National Highways-205 on the stretch of the land from 0.000 kms to 81.600 kms in the State of Tamil Nadu covering Tiruttani and Tiruvallur Taluks. The second respondent who has been authorized to perform the functions of the competent Authority under the Act, had initiated the land acquisition proceedings under Section 3(a) of the said Act. The Notification under Section 3A (1) was published for an extent of 209541 sq.mts in the Government of India Gazette No.1056, dated 01.06.2010. The substance of notification under Section 3A(1) of the Act was also published in the dailies, as required lands are to be acquired, to put forth their objections if any, from all persons/interested in the lands to be acquired within 21 days from the date of publication. Thereafter, no objections were received from the land owners for the proposed acquisition within the stipulated time limit as published in the local dailies. The National Highways Authority of India peg marked the lands required for acquisition for widening of National Highways-205 between Alamelumangapuram and Pakkam Villages as 'Right of Way' with reference to the marking made by the National Highways Authority of India and the lands were duly demarcated, measured and mapped. The extent required for acquisition from the petitioner worked out to $3950 + 1500 = 5450$ sq.mts as per the Sub-Division records prepared and the same was technically scrutinized. Accordingly, the lands notified under Section 3A (1) of the Act was confirmed by way of Notification of Declaration under Section 3D(1) of the Act and the same was also published in the Gazette of India, vide Gazette No.694, dated 26.04.2011 being the date from which the lands vested absolutely with the Central Government and free from all encumbrances as per Section 3D(2) of the National Highways Act, 1956. As per the Sub-division records prepared and technically scrutinized, the extent published under Section 3D(1) of the Act in respect of the petitioner's land was limited to 5450 sq.mts. Consequent on the publication of the Notification under Section 3D(1) of the Act, public notices under Sections 3G (3) & (4) of the National Highways Act, 1956 were published in two local dailies, viz., The New Indian Express (English) Dinamani (Tamil), dated 26.06.2011 and 27.06.2011 respectively.

3. As far as the publication of Notification in dailies was concerned, individual notices were served on persons through the



Village Administrative Officer in person and by affixture of notices in the field, in the presence of witnesses, even when there is no provision in the Act to send individual notices. Further, the interested persons in the lands to be acquired, appeared before the Competent Authority and second respondent on 05.07.2011 and 06.11.2011 respectively, as published in the Notification under Sections 3G (3) & (4) of the Act. The petitioner had not attended the enquiry under Sections 3G (3) & (4) of the Act, nor provided any relevant records for proof of the ownership of his lands. As per the Revenue Records, the ownership of the lands proposed for acquisition was duly taking into consideration the sale that had taken place in the vicinity, as per the provisions laid down in the Act under Sub-Section (7) of Section 3G of the Act for determining the amount to be paid under Section 3G (1) of the Act. The compensation for the lands had been apportioned for the respective land owners as per Award No.28/2011 dated 29.09.2011.

4. While pending the Writ Petition, the petitioner has received compensation amount of Rs.13,46,150/- for the subject property. In fact, thereafter, the petitioner applied for enhancement of compensation before the first respondent and by Award dated 09.05.2017, vide Rc.No.733/15/Arb, the petitioner also received the enhancement compensation Rs.1,99,92,391/- for the subject property on 27.07.2018 to an extent of 5450 sq.mts at the rate of Rs.2,389.16 per sq.mt.

5. In view of the above facts and circumstances and also developments that had taken place pending the Writ Petition, and the submissions made on either side, this Writ Petition is devoid of merits. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

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4.The Contractor, TRANS TRIA,
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+1cc to M/s.V.Raghavachari, Advocate Sr.No.3865

+1cc to the Government Pleader Sr.No.4029

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PMK(CO)
RVM(02/03/2022)