



THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2022

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THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 12037 of 2014
and MP.No.1 of 2014

V.Sumathi

.. Petitioner

Versus

1.The Competent Authority,
Special District Revenue Officer (LA)
National Highways,
Kancheepuram and Thiruvallur Districts @
Kancheepuram.

2.The Project Director,
National Highways Authority of India,
1/58, 24, Butt Road,
St. Thomas Mount,
Chennai-16.

.. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records and to quash the notification dated 06.08.2002 3D(1) was published in the gazette of India extraordinary part-II Section-3 Sub-Section(ii) No.76 dated 28.01.2003 vide notification S.O.No.94(E) dated 28.01.2003 acquisition of land made in S.No.192/32 with respect to petitioner Schedule property of Selvazhimangalam Village Sriperumbadur Taluk Kancheepuram District in the respect of the award Rc. 49999/2001/NH-4/Unit-1 dated 19.01.2004 of the first respondent and to consequentially direct the first respondent to re-assign the schedule mentioned property to the petitioner.

For Petitioner : Mr.M.Sivaraman

For Respondents : Mr. M.Muthusamy
Government Advocate

ORDER

This writ petition has filed seeking to quash the notification dated 06.08.2002 3D(1) was published in the gazette of India extraordinary part-II Section-3, Sub-Section (ii), No.76, dated 28.01.2003 vide notification S.O.No.94(E) dated 28.01.2003 acquisition of land made in S.No.192/32 with respect to petitioner Schedule property of Selvazhimangalam Village Sriperumbadur Taluk Kancheepuram District in the respect of the award Rc. 49999/2001/NH-4/Unit-1 dated



19.01.2004 of the first respondent and to consequentially direct the first respondent to re-assign the schedule mentioned property to the petitioner.

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2. The facts of the case are as follows:

The petitioner's husband is the owner of the land in S.No.192/32 measuring an extent of 200 sq. mts. A Royatwari House site in Selvazhimangalam Village, Sriperumbadur Taluk, Kancheepuram District. The said land was acquired by the Highways Department for expanding the road. In this regard, the first respondent had issued a notification under Section 3(A) (1) in O.S.No.123(E) dated 29.01.2002 published in Gazette of India, Extraordinary Part-II, Section - 3, Sub Section (ii) No.103 dated 29.01.2002 for acquisition of lands in Selvazhimangalam Village. Thereafter, the respondents conducted an enquiry under Section 3G(3) and (4) of the National Highways Act and on 28.01.2003, an award was passed. Challenging the said award, the present writ petition has been filed before this Court to quash the proceedings of the first respondent.

3. The learned counsel for the petitioner submitted that the first respondent has wrongly included the petitioner's name in the notification dated 29.01.2002. The land in question is 80 meters away from the National Highways. The first respondent, in his award dated 19.01.2004 has clearly mentioned that the land owners did not appear for 3G(4) enquiry and the compensation has been withheld for want of ownership. Hence, the learned counsel seeks to quash the impugned order.

4. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing on behalf of the respondents and perused the materials available on record.

5. Considering the facts and circumstances of the case and the limited request made by the petitioner, this Court directs the petitioner to make an application for enhancement of compensation before the Arbitrator as contemplated under Section 3G(5) of the National Highways Act, 1956 within a period of four weeks from the date of receipt of a copy of this order. On receipt of such application, the District Collector/Arbitrator is directed to consider the same and pass orders in accordance with law as expeditiously as possible.

6. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

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To

1.The Competent Authority,
Special District Revenue Officer (LA)
National Highways,
Kancheepuram and Thiruvallur Districts @
Kancheepuram.

2.The Project Director,
National Highways Authority of India,
1/58, 24, Butt Road,
St. Thomas Mount,
Chennai-16.

+2ccs to Mr.M.Sivaraman, Advocate SR. No.7969
+1cc to Government Pleader SR. No.8675

W.P. No. 12037 of 2014
and MP.No.1 of 2014

SPD (CO)
PR (10/03/2022)