



W.P.Nos.31496, 31502, 31508, 31523 & 31528 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.11.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.31496 31502, 31508, 31523 & 31528 of 2022

and

W.M.P.Nos.30959, 30960, 30967, 30968, 30970, 30972, 30981, 30983,
30987 & 30988 of 2022

K.Deivendran	. . . Petitioner in W.P.No.31496 of 2022
B.Jayalakshmi	. . . Petitioner in W.P.No.31502 of 2022
Sumathi	. . . Petitioner in W.P.No.31508 of 2022
S.Raman	. . . Petitioner in W.P.No.31523 of 2022
C.Vachala	. . . Petitioner in W.P.No.31528 of 2022

Vs.

1. The Special District Revenue Officer,
Land Acquisition NH-45A,
National Highways, First Floor,
Collector's Office,
Villupuram-605 605



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2. The District Collector and Arbitrator,
Collector's Office,
Villupuram District,
Villupuram.
3. The Special Tahsildar,
Land Acquisition NH-45A,
National Highways, Unit-I,
Collector's Office, 2nd Floor,
Villupuram-605 602.
4. The Regional Officer,
Regional Office,
National Highways Authority of India,
Plot No.P34, 3rd Floor,
Sri Tower, (SP) Industrial Estate,
Guindy, Chennai-600 602.
5. The Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.28 & 29, 1st Cross, Ganapathy Nagar,
Arumathapuram,
Puducherry-605 602.
6. The Assistant Director,
Survey & Land Records,
Collector's Office,
Villupuram-605 602
7. The Inspector of Registration,
100, Santhome General of Registration,
Raja Annamalaipuram,
Chennai-600 028.



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8. The Deputy Inspector General of Registration,
No.50, SankaraNaidy Street,
Thirupapuliur,
Cuddalore District,
Cuddalore-607 002.

9. The Sub-Registrar Joint II,
Villupuram District,
Villupuram -605 602.

. . . Respondents in all Petitions.

PRAYER in all Writ Petitions: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for he records relating to the Award, bearing No. Na.KA.c/nh45a/348/2018 dated 31.08.2021, communicated to the Petitioners vide Letter dated 27.05.2022 passed by the Special District Revenue Officer, Land Acquisition NH 45A, National Highways Villupuram, the 1st Respondent herein and quash the same and consequently directly the 1st Respondent to conduct a fresh enquiry for the determination of the market value giving due opportunity of hearing to the petitioners.

In all Petitions :

For Petitioners : M/s.T.R.Sathiya Mohan

For Respondents : Mr.B.Vijay,
Additional Government Pleader
for R1, R2, R6 to R9



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: M/s.Su.Srinivasan for R3, R4 & R5.

COMMON ORDER

Since the issue involved in all the Writ Petitions being one and the same, all the petitions are taken up for final disposal by way of a common order.

2. The above Writ Petitions have been filed challenging the impugned Award proceedings dated 31.08.2021 which was passed by the 1st Respondent/ Special District Revenue Officer, Land Acquisition NH 45A, National Highways Villupuram and to direct the 1st Respondent to conduct a fresh enquiry for determination of the market value after affording an opportunity of personal hearing to the petitioners.

3. Mr.Vijay, Learned Additional Government Pleader takes notice for Respondents 1, 2 6,7 ,8 & 9 and Mr.Su.Srinivasan, learned counsel takes notice for Respondents 3 to 5.



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4. It is the case of the petitioners that the properties comprised in Survey Nos.295/2A1A, 294/4A, 295/1A1 & 351/2B2 which belongs to the respective petitioners in the above Writ Petitions were acquired by the National Highways Authority under the provisions of the National Highways Act,1956 for public purpose such as for building four laning, maintenance, management and operation of the National Highways No.45A (Villupuram-Puducherry-Cuddalore-Nagapattinam Section). Subsequently, the petitioners were issued with notice dated 16.08.2018 calling upon them to produce the relevant documents relating to their title to the properties. After verifying the same, the present impugned Award dated 31.08.2022 came to be passed by the 1st respondent fixing a very meagre compensation amount and without mentioning the basis on which the compensation amount was fixed. Being aggrieved by the said compensation amount, the present petitions have been filed challenging the said impugned award which has been passed by the 1st respondent.



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5. Learned Counsel for the petitioners submitted that though the respondents claimed to have followed the provisions of the 3G(3) of the National Highways Act, 1956, however, the compensation fixed is very meagre. It is the further grievance of the petitioners that the impugned award has come to be passed without mentioning the basis on which the compensation amount was fixed. Therefore, the order impugned in this Writ Petition is liable to be set aside and this Writ Petition may be allowed.

6. Learned Additional Government Pleader appearing for the respondents submits that the order impugned in this Writ Petition being passed under the provisions of the 3G(3) of the National Highways Act and any grievance with regard to higher compensation, the appropriate remedy to the petitioners is to approach the competent Authority under the provisions of 3G(5) of the National Highways Act. Instead of resorting to the said remedy, filing the Writ Petitions before this Court seeking quashment of the impugned award is not sustainable. Hence, the present petitions are liable to be dismissed.



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7. A perusal of the materials available on record reveals that, as against the impugned award, which has been passed by the 1st respondent/Special District Revenue Officer, the effective remedy available to the petitioners to file an appeal before the competent authority in terms of 3G(5) of the National Highways Act. Without availing such remedy, filing of Writ Petitions before this Court is not Maintainable. Hence, the prayer sought for in these Writ Petitions cannot be acceded to.

8. For the reasons aforesaid, this Court, without interfering with the order impugned in this Writ Petition, permits the petitioners to file an appeal before the 2nd respondent/District Collector within a period of twelve weeks from the date of receipt of a copy of this order. If any such appeal is filed, the 2nd respondent is directed to consider the same and pass appropriate orders in accordance with law, after affording an opportunity of personal hearing to the petitioners, within a period of twelve weeks thereafter.



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9. Accordingly, these Writ Petitions are disposed of with the

above direction. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

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NHS

Index : Yes / No

Internet : Yes / No

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M.DHANDAPANI, J.

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