



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2022

CORAM

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS. 28491, 28494, 28276 & 28279 OF 2021

W.P.NOS.28491 & 28494 OF 2021

Kandasamy

... Petitioner in
W.P.No.28491 of 2021

1. Ramasamy

2. Amsavalli

... Petitioners in
W.P.No.28494 of 2021

.Vs.

1. The Competent Authority and Special
District Revenue Officer,
(Land Acquisition),
National Highways - 68,
Villupuram,
Holding Additional Charge of
The Competent Authority and Special
District Revenue Officer,
(Land Acquisition),
National Highways - 68,
Salem.

2. The Project Officer,
The National Highways Authority
of India - 68,
Salem.

... Respondents in
both W.Ps

W.P.NO.28276 OF 2021

1. G.Rangaraj

2. G.Loganathan

3. R.Ranganathan

... Petitioners

.Vs.



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1. The Union of India,
Rep. by the Secretary to Government,
The Ministry of Road Transport & Highways,
Transport Bhawan,
No.1, Parliamentary Street,
New Delhi - 110 001.
2. The National Highways Authority of India,
Rep. by the Chairman,
G5 & 6, Sector 10, Dwarka,
New Delhi - 110 075.
3. The Chief General Manager,
The National Highways Authority of India,
Regional Office, Sri Tower,
III Floor, DP-34 (SP),
Industrial Estate,
Guindy, Chennai - 600 032.
4. The Project Director,
The National Highways Authority of India,
Project Implementation Unit (NS),
Door No.212-3/D3-1, Srinagar Colony,
Narasothipatti, Salem - 630 004.
5. The Arbitrator cum the District Collector,
Salem, Salem District - 636 001.
6. The Competent Authority cum Special
District Revenue Officer (LA),
National Highways Nos.7, 46, 47 & 66,
Salem - Krishnagiri Districts,
No.433, Ex-Serviceman Welfare Building,
1st Floor, Bangalore Road,
Krishnagiri - 635 001.

... Respondents

W.P.NO.28279 OF 2021

1. S.Pavayammal
2. K.G.Arunraj

... Petitioners

.Vs.

1. The Union of India,
Rep. by the Secretary to Government,
Ministry of Road Transport & Highways,
Transport Bhawan,
No.1, Parliamentary Street,
New Delhi - 110 001.



2. The National Highways Authority of India,
Rep. by the Chairman,
G5 & 6, Sector 10, Dwarka,
New Delhi - 110 075.

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3. The Chief General Manager,
The National Highways Authority of India,
Regional Office,
Sri Tower, III Floor,
DP-34 (SP), Industrial Estate,
Guindy, Chennai - 600 032.

4. The Project Director,
The National Highways Authority of India,
Project Implementation Unit (NS),
Door No.212-3/D3-1,
Srinagar Colony,
Narasothipatti,
Salem - 630 004.

5. The Arbitrator cum the District Collector,
Salem, Salem District - 636 001.

6. The Competent Authority cum Special
District Revenue Officer (LA),
National Highways Nos.7, 46, 47 & 66,
Salem - Krishnagiri Districts,
No.433, Ex-Serviceman Welfare Building,
1st Floor, Bangalore Road,
Krishnagiri - 635 001.

7. Devi Rammya

8. Minor Y.Rushil
Rep. by his mother and
Natural Guardian,
Devi Rammya.

... Respondents

PRAYER IN W.P.NOS.28491 & 28494 OF 2021:-

Writ Petitions are filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents to disburse the statutory entitlement namely 30% solatium with interest till the day of payment, in the light of judgment of Hon'ble Supreme Court of India in the matter of Union of India and Another Vs Tarsem Singh and others in Civil Appeal No.7064 of 2019 by considering petitioners representation dated 08.11.2021 and 02.11.2021 within time framed manner.



PRAYER IN W.P.NO.28276 OF 2021:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents to compute and to pay the petitioners for acquisition of their lands measuring 1035 sq.mts in survey No.39/2A2 (Part), Annathanapatti Village covered under Award of the 6th respondent dated 27.06.2008 in ROC.No.1299/2008 (A2) as modified by the Arbitral Award of the 5th respondent dated 08.11.2012 in NH.No.47 Aa.Va.No.554/B2, the benefits under Section 23(1A), 23(2) and the provisio to Section 28 of Land Acquisition Act, 1894.

PRAYER IN W.P.NO.28279 OF 2021:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents to compute and to pay the petitioners for acquisition of their 16/18th share in the land measuring 343 sq.mts in survey No.47/2Ac2 (Part), Annathanapatti Village covered under Award of the 6th respondent dated 27.06.2008 in ROC.No.1299/2008 (A2) as modified by the Arbitral Award of the 5th respondent dated 08.11.2012 in NH.No.47 Aa.Va.No.554/B2, the benefits under Section 23(1A), 23(2) and the provisio to Section 28 of Land Acquisition Act, 1894.

IN W.P.NOS.28491 & 28494 OF 2021

For Petitioners : Mr.K.Sudhakar
For R1 : Mr.G.Krishna Raja
Additional Government Pleader
For R2 : Mr.Su.Srinivasan

IN W.P.NOS.28276 & 28279 OF 2021

For Petitioners : Mr.T.M.Hariharan
For R1 : Mr.K.B.Arul
Central Government
Standing Counsel
For R2 to R4 : Mr.Su.Srinivasan
For R5 & R6 : Mr.G.Krishna Raja
Additional Government Pleader



COMMON ORDER

All the petitioners have filed these writ petitions for a direction directing to compute and pay compensation of the benefits under Sections 23(1A), 23(2) and the proviso to Section 28 of Land Acquisition Act, 1894 for their respective lands, which were acquired by the respondents.

2. All the petitioners owned their respective lands and the subject lands were acquired by the respondents under the National Highways Act, 1956. After an award enquiry, the awards were passed and they were paid compensation. However, they were not paid any solatium additional amount with interest as contemplated under Section 23(1A) of the Land Acquisition Act, 1894 for delayed payment of solatium as contemplated under Section 23(2) of the Land Acquisition Act and interest under Section 28 proviso of the said Act.

3. This issue has to be settled by the Hon'ble Supreme Court of India in the case of Union of India and Another Vs Tarsem Singh and others reported in 2019 (9) SCC 304. Accordingly, the land owners are entitled for solatium for the land acquired under National Highways Act between 1997 and 2015. Therefore, the petitioners made their representation seeking solatium and interest for their respective lands, which were acquired by the respondents.

4. The Hon'ble Supreme Court of India held that the Government itself is of the view that solatium with interest should be granted even in cases that arise between 1997 and 2015. In the interest of justice, the Hon'ble Supreme Court declared that the provisions of the Land Acquisition Act relating to solatium and interest contained in Sections 23(1A) and 23(2) and interest payable in terms of Section 28 proviso will apply to acquisition made in the National Highways Act. Consequently, the provision of Section 3-J is, to this extent, violative of Article 14 of the Constitution of India and therefore, declared to be unconstitutional.

5. Therefore, all the petitioners are entitled for solatium and interest for their respect lands, which were acquired by the respondents under the National Highways Act.

6. In view of the above, the Competent Authority and Special District Revenue Officer, National Highways Act-68 viz., the first respondent in W.P.Nos.28491 & 28494 of 2021 and the sixth respondent in W.P.Nos.28276 & 28279 of 2021, is directed to consider their representation, after giving an opportunity of hearing to the petitioners and pass orders to pay solatium and



interest in the light of the order passed by the Hon'ble Supreme Court of India in the case of Union of India and Another Vs Tarsem Singh and others, within a period of eight weeks from the date of receipt of a copy of this order.

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7. With the above direction, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The Competent Authority and Special District Revenue Officer,
(Land Acquisition),
National Highways - 68,
Villupuram.
2. The Project Officer,
National Highways Authority of India - 68,
Salem.
3. The Secretary to Government,
The Union of India,
The Ministry of Road Transport & Highways,
Transport Bhawan,
No.1, Parliamentary Street,
New Delhi - 110 001.
4. The Chairman,
The National Highways Authority of India,
G5 & 6, Sector 10, Dwarka,
New Delhi - 110 075.
5. The Chief General Manager,
The National Highways Authority of India,
Regional Office,
Sri Tower, III Floor,
DP-34 (SP), Industrial Estate,
Guindy, Chennai - 600 032.



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6. The Project Director,
The National Highways Authority of India,
Project Implementation Unit (NS),
Door No.212-3/D3-1,
Srinagar Colony,
Narasothipatti,
Salem - 630 004.
7. The Arbitrator cum the District Collector,
Salem, Salem District - 636 001.
8. The Competent Authority cum Special
District Revenue Officer (LA),
National Highways Nos.7, 46, 47 & 66,
Salem - Krishnagiri Districts,
No.433, Ex-Serviceman Welfare Building,
1st Floor, Bangalore Road,
Krishnagiri - 635 001.

+2ccs to Mr.T.M.Hariharan, Advocate, S.R.Nos.2935 & 2936
+2ccs to Mr.K.Sudhakar, Advocate, S.R.Nos.2963 & 2964
+1cc to the Government Pleader, S.R.No.3703

W.P.NOS.28491, 28494, 28276
& 28279 OF 2021

GPL(CO)
PBS/01/03/2022