



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.06.2022**

CORAM

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .Nos.8941 & 8942 of 2011

W.P. (MD) .No.8941 of 2011

Govindammal

... Petitioner

Vs.

1. The Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.54, (First Floor),
Natarajapuram North Colony,
Medical College Road,
Thanjavur - 4.
2. The Special Tahsildar (Land Acquisition)
Unit-I, In charge of National Highways-67,
Thanjavur.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the second respondent in his proceedings Na.Ka.No.30 of 2007 Unit-I order dated 22.11.2010 and quash the same and consequently to direct the respondents to pay the compensation in favour of the petitioner.

W.P. (MD) .No.8942 of 2011

Kamala

... Petitioner

Vs.

1. The Project Director,
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Project Implementation Unit,
No.54, (First Floor),
Natarajapuram North Colony,
Medical College Road,
Thanjavur - 4.



2. The Special Tahsildar (Land Acquisition)
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(In both cases)

For Petitioner : Mr.R.Udhayakumar
For R1 : Mr.Arulvadivel @ Sekar
For R2 : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

Both the writ petitions have been filed challenging an order passed by the second respondent, under which the request of the petitioners seeking compensation for the land and building acquired by National Highways Department has been rejected.

2. The writ petitioners are admittedly landless poor in whose favour already lands have been assigned by the State Government. In the assigned lands, writ petitioners have put up constructions at their own cost. Now the lands have been acquired by the first respondent herein. In view of the acquisition proceedings, the petitioners have not only lost their assigned lands but also the constructions put up by them over the said assigned lands. Hence they requested the second respondent, who is the acquisition Officer to recommend to the first respondent for grant of compensation. The said request of the petitioners have been rejected by the second respondent on the ground that the land belongs to the Government and hence they are not entitled to any compensation either for the land or for the constructions put up by the petitioners in the said lands. The said order is under challenge in both the writ petitions.

3. Heard the learned Counsel for the petitioner and the respondents.

4. The learned Counsel for the petitioner had contended that though the land belongs to the Government and it was assigned in favour of the writ petitioners, admittedly the constructions in the said assigned property had been made by the writ petitioners at their own cost and hence they would be entitled to seek compensation



from the first respondent herein. However, the learned Counsel for the respondent pointed out that since the land belongs to the Government and it is a Government Poramboke Adidravidar Natham, the petitioners would not be entitled to any compensation whatsoever. I have carefully considered the submissions made on either side.

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5. Though the land belongs to the Government, the petitioners have put up constructions at their own cost in the above said assigned properties. Hence, there cannot be any doubt whatsoever that the petitioners would be entitled to claim compensation for the constructions put up by them in the said assigned properties. Since the land belongs to the Government, the petitioners would not be entitled to seek any compensation with regard to the land in dispute. The impugned order is set aside to the extent as stated above. The second respondent is directed to recommend to the first respondent with regard to compensation of the super structure put up by the petitioners in the respective cases.

6. With the above said observations, both the Writ Petitions stands allowed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1 The Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.54, (First Floor),
Natarajapuram North Colony,
Medical College Road,
Thanjavur - 4.

2 The Special Tahsildar (Land Acquisition)
Unit-I, In charge of National Highways-67,
Thanjavur.

+1 CC to M/s.SPL.GP (SR-25836[F] dated 15/06/2022)

Order made in
W.P. (MD).No.8941 & 8942 of 2011
14.06.2022

MK/27.06.2022/3P/4C

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