



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. [MD]No.5667 of 2022

1.Palanisamy
2.K.P.S.Nithish Kumar
3.P.S.Divakar

... Petitioners

Vs

1.The Competent Authority of Land Acquisition (CALA),
And District Revenue Officer,
National Highways - 7 (Karur-Salem),
Karur.

2.The Project Director,
11/1 Kongu Nagar East,
National Highways Authority of India,
Ramanathapuram (Post),
Coimbatore - 641 045.

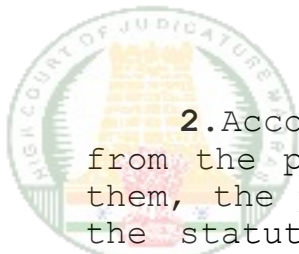
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the first respondent to calculate and disburse the payment of solatium and interest under Sections 23(1A)(2) and interest payable in terms of Section 28 proviso of the Land Acquisition Act for their acquired land comprised in S.F.No.347/3/1A situated at Punjai Pugalur (North) Village, Karur Taluk & District on the basis of the petitioner's application dated 26.11.2021 in the light of the Hon'ble Apex Court's judgment dated 19.09.2019 in Tarsem Singh's case and all other judgment of this Court passed by following the same.

For Petitioner	: Mr.N.Marimuthu
For Respondent No.1	: Mr.M.Lingadurai Special Government Pleader
For Respondent No.2	: Mr.M.Ashok Kumar Senior Central Government Standing Counsel

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to disburse the solatium and interest as per the provisions of the National Highways Act, to the petitioner, based on the petitioners' representations dated 26.11.2021 in respect of the acquisition of their land in S.F.No.347/3/1A situated at Punjai Pugalur (North) Village, Karur Taluk & District in the light of the Apex Court judgment in **Tarsem Singh's case** reported in **(2019) Vol 9 SCC 304**, within a time frame to be fixed by this Court.



2. According to the petitioners, the aforesaid land was acquired from the petitioners under the National Highways Act. According to them, the petitioners are entitled for solatium and interest as per the statutory provisions and as per the judgment of the Hon'ble Supreme Court referred to supra. The petitioners have given representations on 26.11.2021 to the respondents requesting for payment of solatium and interest. Since the said representations have not been considered till date, the petitioners have filed this writ petition.

3. Heard Mr.N.Marimuthu, learned Counsel appearing for the writ petitioner, Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the first respondent and Mr.M.Ashok Kumar, learned Senior Central Government Standing Counsel who accepts notice on behalf of the second respondent.

4. No prejudice would be caused to the respondents if the petitioners' representations are considered on merits and in accordance with law after affording a fair hearing to the petitioners including granting them the right of personal hearing. The petitioners have filed documents in support of their contention that their land was acquired by the respondents under the National Highways Act and they are entitled for payment of solatium and interest. It is for the respondents to consider the same on merits and in accordance with law.

5. For the foregoing reasons, this Court directs the first respondent to consider the petitioners' representations dated 26.11.2021, requesting for payment of solatium and interest as per the provisions of the National Highways Act and in the light of the judgment of the Hon'ble Supreme Court in **Tarsem Singh's case** referred to supra in respect of the lands acquired from them in S.F.No.347/3/1A situated at Punjai Pugalur (North) Village, Karur Taluk & District and pass final orders on merits and in accordance with law after affording a fair hearing to the petitioners including granting them the right of personal hearing within a period of six [6] months from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition stands disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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2.The Project Director,
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National Highways Authority of India,
Ramanathapuram (Post),
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+1 CC to M/s.M.ASHOK KUMAR, Advocate (SR-15427[F] dated
30/03/2022)

+1 CC to M/s.S.RAMU, Advocate (SR-15468[F] dated 30/03/2022)

+1 CC to M/s.SPL GP (SR-15696[F] dated 31/03/2022)

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KB(06.04.2022) 3P 6C