



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.20644 to 20650 of 2021

WEB COPY

K.Balamurugan	... Petitioner in W.P. (MD)No.20644 of 2021
S.Senthil Kumar	... Petitioner in W.P. (MD)No.20645 of 2021
Akilandeswari	... Petitioner in W.P. (MD)No.20646 of 2021
Pushpalatha	... Petitioner in W.P. (MD)No.20647 of 2021
K.Karthikeyan	... Petitioner in W.P. (MD)No.20648 of 2021
M.Sasirekha	... Petitioner in W.P. (MD)No.20649 of 2021
Sumathi	... Petitioner in W.P. (MD)No.20650 of 2021

Vs.

- 1.The Director General,
National Highways Authority of India,
No.76, Sardar Patel Road,
Guindy, Chennai-600 025.
- 2.The Project Director,
National Highways Authority of India,
Karaikudi-630 001,
Sivagangai District.
- 3.The Special District Revenue Officer,
(Land Acquisition),
Sivagangai District,
Sivagangai.
- 4.The Special Tahsildar,
(Land Acquisition)
NH-49, Division-I,
Manamadurai,
Sivagangai District.
- 5.The Principal Secretary,
Public Works Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 6.The District Collector,
Sivagangai District,
Sivagangai.
- 7.The Superintending Engineer,
Public Works Department,
Collectorate Complex,
Sivagangai.



8.The Chief Engineer,
Public Works Department,
Sivagangai,
Sivagangai District.

9.The Executive Engineer,
Public Works Department,
Near SIPCOT,
Manamadurai-Sivagangai Road,
Manamadurai,
Sivagangai District.

10.The Assistant Executive Engineer,
Public Works Department,
Near SIPCOT,
Manamadurai-Sivagangai Road,
Manamadurai,
Sivagangai District.

11.The Assistant Engineer,
Public Works Department,
Thiruppuvanam,
Sivagangai District.

12.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

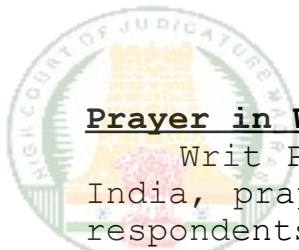
13.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District. ... Respondents in all WP's

Prayer in WP(MD). 20644 of 2021 :

Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to follow due process of law for acquiring the petitioner's property in Patta No.310, Resurvey No.3/1A2A, Plot No.166D (Part) situated at Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District, by considering the representation dated 28.10.2021.

Prayer in WP(MD). 20645 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents to follow due process of law for acquiring the petitioners property in Patta No.310, Resurvey No.3/1A2A, Plot No.166-A (Part) and 166-G (Part) situated at Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District, by considering the representation dated 28.10.2021.



Prayer in WP(MD). 20646 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the respondents to follow due process of law for acquiring the petitioners property in Patta No.310, Resurvey No.3/1A2A, Plot No.172 (Part) situated at Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District, by considering the representation dated 28.10.2021.

Prayer in WP(MD). 20647 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the respondents to follow due process of law for acquiring the petitioners property in Patta No.310, Resurvey No.3/1A2A, Plot No.168 (Part) situated at Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District, by considering the representation dated 28.10.2021.

Prayer in WP(MD). 20648 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the respondents to follow due process of law for acquiring the petitioners property in Patta No.310, Resurvey No.3/1A2A, Plot Nos.163 (Part) and 164 (part) situated at Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District, by considering the representation dated 28.10.2021.

Prayer in WP(MD). 20649 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the respondents to follow due process of law for acquiring the petitioners property in Patta No.310, Resurvey No.3/1A2A, Plot No.165-A and 165-G situated at Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District, by considering the representation dated 28.10.2021.

Prayer in WP(MD). 20650 of 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the respondents to follow due process of law for acquiring the petitioners property in Patta No.310, Resurvey No.3/1A2A, Plot No.165D situated at Nelmudikkarai Village, Thiruppuvanam Taluk, Sivagangai District, by considering the representation dated 28.10.2021.

For Petitioner : Mrs.J.Padhmaavathy Devi
For R1 & R2 : Mr.C.Arul Vadivel @ Sekar
Standing Counsel
For R3 to R13 : Mr.M.Prakash
Additional Government Pleader

(in all W.Ps.)



COMMON ORDER

Heard the learned counsel appearing for the petitioners, the learned Additional Government Pleader appearing for R3 to R13 and the learned Standing Counsel appearing for R1 & R2.

2. The prayer made in all these writ petitions is that the respondents must follow due process of law while acquiring the petition mentioned lands. A detailed counter affidavit has been filed by the respondents and the learned standing counsel for R1 & R2 took me through its contents.

3. It is seen that the writ petitions pertain to acquisition of lands in Nelmudikkarai Village, Thiruppuvanam Taluk. The acquisition was done in two stages. Notification under Section 3A (1) of NH Act, 1956 for additional acquisition was made on 22.06.2016. The locality publication was made on 01.07.2016. Notification under 3D(1) of NH Act was made on 16.02.2017. The locality publication was made on 03.04.2017. The award was passed on 28.02.2019.

4. It is thus seen that due process of law was followed by the respondents for making acquisition. The respondents have also filed a sketch. The yellow color washed portion are the lands that were originally acquired. The blue color washed portion represents the additionally acquired lands. It is seen that out of a number of claimants, only 7 persons have come before this Court.

5. After carefully considering the rival contentions and also the materials enclosed in the typed set of papers, I am more than satisfied that due process of law had been followed. It appears that some of the petitioners have been cheated by the power agent of the original owner. Even though the notification for additional acquisition of lands was made as early as on 22.06.2016, transactions have taken place even subsequently. In the typed set of papers, the sale deeds dated 21.08.2019, 08.06.2020, 04.11.2020 & 26.11.2020 have been enclosed. It is thus obvious that the petitioners are victims. It is for the petitioners to prosecute their vendors. The respondents cannot be blamed in any manner. Nothing survives for further adjudication.

6. These Writ Petitions stand dismissed. It is stated that compensation amount had already been deposited to the tune of Rs.1,60,57,933/- on 09.11.2019. It is for the petitioners to



approach the said District Revenue Officer / R3 for receiving the compensation amount. If such an application is made, the same will be disposed of within a period of four weeks thereafter. No costs.

Sd/-

Assistant Registrar (CO)

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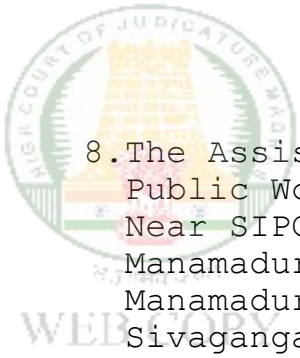
/06/2022

Sub Assistant Registrar(CS)

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To

- 1.The Special District Revenue Officer,
(Land Acquisition),
Sivagangai District,
Sivagangai.
- 2.The Special Tahsildar,
(Land Acquisition)
NH-49, Division-I,
Manamadurai,
Sivagangai District.
- 3.The Principal Secretary,
Public Works Department,
Fort St.George, Secretariat,
Chennai-600 009.
- 4.The District Collector,
Sivagangai District,
Sivagangai.
- 5.The Superintending Engineer,
Public Works Department,
Collectorate Complex,
Sivagangai.
- 6.The Chief Engineer,
Public Works Department,
Sivagangai, Sivagangai District.
- 7.The Executive Engineer,
Public Works Department,
Near SIPCOT,
Manamadurai-Sivagangai Road,
Manamadurai, Sivagangai District.



8.The Assistant Executive Engineer,
Public Works Department,
Near SIPCOT,
Manamadurai-Sivagangai Road,
Manamadurai,
Sivagangai District.

9.The Assistant Engineer,
Public Works Department,
Thiruppuvanam,
Sivagangai District.

10.The Tahsildar,
Manamadurai Taluk,
Sivagangai District.

11.The Tahsildar,
Thiruppuvanam Taluk,
Sivagangai District.

+1 CC to M/s.J.PADHMAAVATHY DEVI, Advocate (SR-24787[F]
dated 09/06/2022)

+1 CC to M/s.C.ARUL VADIVEL @ SEKAR, Advocate (SR-24952
[F] dated 10/06/2022)

+1 CC to M/s.SPL.GP (SR-25185[F] dated 10/06/2022)

W.P.(MD)Nos.20644 to 20650 of 2021
09.06.2022

srr(CO)

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