



WEB COPY

WP No.644 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-08-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.644 of 2023

And

WMP No.586 of 2023

V.Gunasekaran

... Petitioner

Vs.

1.Competent Authority and District Revenue Officer,
(Land Acquisition),
National Highways,
Kancheepuram and Thiruvallur District,
Kancheepuram.

2.Special Tahsildar (Land Acquisition),
Mammallapuram – Puducherry National
Highways Scheme, Unit III,
Chengalpattu District.

3.Project Director,
National Highways Authority of India,
Kancheepuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India



for issuance of a Writ of Mandamus, forbearing the respondents from proceeding with any road extension work in the petitioner's land in Survey No.112/3A2, Survey No.112/3A1B1 and also at Survey No.116/1 at Vadapattinam Village, Chengalpattu District without following the mandatory requirements for acquisition of land under the National Highways Act.

For Petitioner : Mr.R.Sai Manohar

For Respondents-1 and 2 : Mr.P.Kumaresan,
Additional Advocate General,
Assisted by Mr.G.Krishna Raja,
Additional Government Pleader.

For Respondent-3 : Ms.S.R.Sumathy

ORDER

The relief sought for in the present writ petition is to forbear the respondents from proceeding with any road extension work in the petitioner's land in Survey No.112/3A2, Survey No.112/3A1B1 and also at Survey No.116/1 at Vadapattinam Village, Chengalpattu District without following the mandatory requirements for acquisition of land under the National Highways Act.



2. It is not in dispute that the land belonged to the petitioner was acquired for Road Widening Project by the National Highways Authority of India.

3. The learned counsel for the petitioner states that the objection submitted by the petitioner was not considered and therefore, the acquisition proceedings are to be set aside.

4. With reference to the grounds raised in this regard, the Competent Authority and the Special District Revenue Officer (Land Acquisition) filed counter-affidavit stating that the petitioner attended the enquiry and given a statement as to he had no objection for the acquisition. After observing all formalities and after conducting an enquiry under Section 3C(1) of the National Highways Act, declaration under Section 3D of the said Act, was published in the Central Government of India Gazette No.643 dated 06.02.2019 and in another Central Government of India Gazette No.2605 dated 07.08.2019. The Award enquiry under Section 3G of the said Act, was conducted on 20.11.2020 with prior notice to the petitioner.



5. Therefore, the final Award has been passed. Thus the land vests with the Government and the petitioner is at liberty to receive the compensation and prefer an appeal, if any, under Section 3G (5) of the Act, seeking enhancement of compensation or otherwise.

6. In view of the facts and circumstances, the petitioner is at liberty to approach the Competent Authority for receiving compensation. Any such approach by the petitioner, the respondents are directed to settle the compensation without any undue delay. Thereafter, the petitioner may submit an application seeking enhancement of compensation or otherwise.

7. With the above liberty, the present writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

22-08-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. Competent Authority and District Revenue Officer,
(Land Acquisition),
National Highways,
Kancheepuram and Thiruvallur District,
Kancheepuram.
2. Special Tahsildar (Land Acquisition),
Mammallapuram – Puducherry National
Highways Scheme, Unit III,
Chengalpattu District.
3. Project Director,
National Highways Authority of India,
Kancheepuram.



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S.M.SUBRAMANIAM, J.

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