



W.P.No.1808 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.1808 of 2021

and

W.M.P.Nos.2018 & 2019 of 2021

Nayaz Ahmed

... Petitioner

Vs.

1. The District Collector,
Krishnagiri District.

2. The Chairman,
National Highways Authority of India,
G-5 and 6, Sector 10, Dwarka New Delhi- 110 075.

3. The Director General,
Tamilnadu National Highways Authority of India,
No.76, Sardar Patel Road, Guindy, Chennai-25.

4. The Special District Revenue Officer (LA),
NH 7, 46 and 47,
Salem and Krishnagiri Districts @ Krishnagiri,
Krishnagiri.

5. The Tahsildar,
Soolagiri, Krishnagiri District.

6. The Chairman,
Hindustan Petroleum Corporation Limited,
Petroleum House, No.17, Jamshedji Tata Road,
Mumbai- 400020.



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7. K.H.Gurunath

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, to call for the records of the respondents in connection with the impugned orders issued by the 4th respondent in ROC. NO.29/ 2003 (A) dated 31.10.2003 and Roc.1933/2007 (Arbit) dated 09.02.2009 and quash the same and further direct the 2nd Respondent to re-convey the petitioner land which is not required for public purpose and grant such other further order as this Honble court may deem fit and proper in the circumstances of the case.

For Petitioner	: Mr.R.Dhinesh Kumar
For Respondents	:
(for R1, R4 & R5)	: Mr.P.Kumaresan, Additional Advocate General, assisted by Mr.C.Jaya Prakash Government Advocate
(for R2 to R3)	: Mr.SU.Srinivasan

ORDER

The writ petition is filed challenging the order dated 31.10.2003 passed by the competent authority under the National Highways Act.

2. It is not in dispute that the land belonging to the petitioner was acquired under the National Highways Act for public projects. The



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procedures as contemplated for acquisition were followed in consonance with the provisions of the National Highways Act. Thus, after declaration under Section 3D of the National Highways Act, the land shall vest absolutely with the Central Government, free from all encumbrances. Under Section 3D(4), a declaration made by the Central Government under Sub Section (1) shall not be called in question in any Court or by any other authority.

3. In the present case, the petitioner has challenged the award on the ground that the lands acquired are not utilised for the purpose for which it was acquired. Once the lands vest with the Government, it is for the Government to take a decision and in the event of non-utilisation of any portion of the land, the Government is empowered to utilise the same for any other public purpose or for future public purposes. Thus, re-conveyance at no circumstances be claimed as an absolute right by the owners from whom the lands were acquired under the National Highways Act. There is no provision for such re-conveyance under the National Highways Act and in the present case, pursuant to the award, compensation also has already been paid to the land owner. After payment of compensation, the only avenue left open to the land owner is to seek



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enhancement under the provisions of the Act by approaching the Arbitrator under Section 3G(5) of the Act.

4. This being the factum, the relief as such sought in the present writ petition, to quash the award and re-convey the land to the petitioner does not arise since the acquisition proceedings has been completed in all respects and the acquired land vests with the Government.

5. Accordingly, the writ petition stands **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

28.07.2023



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S.M.SUBRAMANIAM. J.,

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