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W.A. No.214 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.B.BALAJI

W.A. No.214 of 2013
and M.P.Nos.1 of 2013, 1 and 2 of 2014
and CMP.Nos.7709, 7710, 7711 of 2018
and CMP.Nos.12618 of 2017 and 12275 of 2022

V.N.Devadas

.. Appellant

Vs.

1. The Union of India,
Rep. by Secretary to Government,
Ministry of Shipping Surface Transport
and Highways Department, New Delhi.
2. The Competent Authority-cum-
Special District Revenue Officer,
(Land Acquisition), National Highways,
Kancheepuram District and Thiruvallur District,
Kancheepuram.
3. Jayammal
4. M.K.Deenadayalu
5. M.K.Thulasaidharan
6. M/s.Murali Brick Works,
rep. by partners,
M.Janarthan & Janobai,
90, K.R.Koil Street,
West Mambalam, Chennai - 33.



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7. The Project Director,
National Highways Authority of India,
SPIC House, 8th Floor,
Annexe Building,
No.88, Mount Road,
Guindy, Chennai 32.

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 14.09.2012 made in W.P.No.9961 of 20006 passed by the learned Single Judge of this Court.

For appellant	: Mr.R.Krishnan
For respondents	
for R1	: No Appearance
for R2	: Mrs.R.L.Karthika, G.A.
for RR3 to 6	
(died)	: Mr.P.John Bosco
for R7	: Mrs.S.R.Sumathy

JUDGMENT

(The Judgment of the Court was delivered by D.KRISHNAKUMAR, J)

Though this matter came up before this Court earlier for more than 3 occasions, the learned counsel for the appellant was not ready and obtained adjournments. Today also, the learned counsel for the appellant is not ready to get along the case and also requested time to bring the legal



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heirs of the deceased respondents. However, the learned Government Advocate appearing for the second respondent strongly objected for grant of adjournment.

2. It is the case of the appellant that he paid Rs.1,10,00,000/- out of the total sale consideration of Rs.1,48,48,500/- and he is in possession of the land in question. However, the owners have not acted as per the agreement, and hence he filed a suit for specific performance and also a suit for permanent injunction. In the meantime, the Ministry of Shipping and Road Transport and Highways issued Notification for acquisition of the land in question, along with the other lands.

3. However, according to the respondents, the appellant is only an agreement holder with the original landowners and based on the agreement, he filed the instant Writ Appeal. He did not have any vested right to file the Writ Petition for the aforesaid relief.

4. When the appeal was taken up for admission on 30.01.2013, this Court, while admitting the Writ Appeal, granted an order of interim stay.



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Pursuant to the stay granted by this Court, entire acquisition proceedings have been stayed.

5. One of the grounds raised in the appeal is that the relevant Notifications issued under the National Highways Act should be placed before both the Houses of Parliament. However, this ground was already well gone into by the Writ Court by relying upon the decision of *Atlas Cycle Industries Ltd. v. State of Haryana reported in AIR 1979 SC 1149*. In the aforesaid judgment, while dealing with a similar issue relating to issuance of Notification under the Essential Commodities Act before both Houses of Parliament, it was held that not doing so would not result in nullification of the Notification.

6. With regard to the submission made by the learned counsel for the appellant that the suit for specific performance is pending, the compensation awarded shall be deposited before the appropriate Court and the successful party in the litigation shall receive the same from such Court.



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7. In view of the fact that the appellant is the agreement holder with the original landowner, he has no locus standi to challenge the land acquisition proceedings. Therefore, this Writ Appeal is dismissed with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J] [P.B.B., J.]
20.07.2023

Speaking order: Yes/No
Index : Yes/No
pvs

To

1. The Secretary to Government,
The Union of India,
Ministry of Shipping Surface Transport
and Highways Department, New Delhi.
2. The Competent Authority-cum-
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