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W.P.No.4868 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4868 of 2021 &
W.M.P.Nos.5619 & 5620 of 2021

S.Ramesh

...Petitioner

Vs.

1.The Union of India

Rep.by Principal Secretary to Government.,
Ministry of Road Transport and Highways,
New Delhi-110 001.

2.The National Highways Authority of India,

Rep by its Chairman,
G5 and 6 sector 10, Dwarka,
New Delhi- 110 075.

3.The Project Director,

National Highways Authority of India,
Project Implementation Unit- Krishnagiri,
259/1, Salem Main Road,
Krishnagiri - 635 001, Krishnagiri District.

4.The Authorised Officer -Cum-

Special District Revenue Officer,
National Highways Land Acquisition,
Vellore-9, Vellore District.



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5. The District Collector
Vellore, Vellore District.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the impugned Gazette Notification in S.O. 2338 (E) dated 11.10.2011 published in the Gazette of India Extraordinary No.1946, Part II Sec.3 Sub Sec. (iii) issued by the 1st respondent under Sec.3 D (1) of the Act 1956, quash in so far petitioner lands in SI.No.1 of the Schedule bearing S.Nos. 202/1C1 and 202/1A1, Vettuvanam Village, Anaicut Taluk, Vellore District.

For Petitioner : Mr.N.Manokaran

For Respondent 1 : No appearance

For Respondents 2 & 3 : Mr.Su.Srinivasan

For Respondents 4 & 5 : Mr.P.Kumaresan,
Additional Advocate General,
for Mr.G.Krishnaraja,
Additional Government Pleader

ORDER

The writ on hand has been instituted challenging the notification dated 11.10.2011.

2. The petitioner states that the land belonged to him was sought to be acquired for National Highways Projects. The publication was made on 11.10.2011 under section 3A of the National Highways Act, 1956.



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3. The grievance of the writ petitioner is that he has filed his objections under section 3C of the Act and the said objection was not considered by the competent authority, before issuing an order of declaration under section 3D of the Act. In view of the non consideration of the objections, the notification is liable to be set aside.

4. Learned counsel for the petitioner reiterated that the procedures as contemplated under section 3C of the Act was not followed nor an opportunity was afforded to the petitioner. Thus, the entire proceedings are to be declared as void.

5. Learned counsel appearing on behalf of the National Highways Authority made a submission that the acquisition was commenced in the year 2010 and section 3A(3) publication was issued on 08.01.2011. Section 3D(1) declaration was issued on 11.10.2011 and further, publication under section 3G(3) was made on 24.07.2012. The award enquiry was conducted on 31.07.2012 and the petitioner participated in the award enquiry and produced his title deed which was verified and consequently, award was



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pronounced on 03.11.2012. When the petitioner presented his title deed for verification by participating the award enquiry, now he cannot turn around and said that his objection submitted under section 3C of the Act was not considered. Such a plea now taken is untenable in view of the fact that the petitioner participated in the award enquiry and produced the title document for verification which resulted in passing of an award on 03.11.2012.

6. Learned counsel for the National Highways Authority further contended that structural value and the compensation was determined by following the procedures as contemplated. Since the petitioner appeared for the enquiry conducted under section 3G(3) of the Act and produced his title document to establish his right to ownership, the compensation amount was determined. In view of the fact that the petitioner refused to receive the compensation, it was deposited in the Canara Bank on 18.03.2013. Again an attempt was made to handover the compensation amount to the petitioner by the authorities. But the petitioner once again refused and thereafter, it was redeposited in the bank in the month of December 2016 to the credit of Special Revenue Officer/CALA for payment to the land owners.



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7. The present writ petition has been filed challenging the notification of the year 2011 in the year 2021. The notification is under challenge after a lapse of about nine years and by that time, the petitioner participated in the award enquiry and established his title. Thus, the award was passed and the authorities made an attempt to pay the compensation to the petitioner. Since the petitioner refused to receive the same, it was deposited.

8. This being the factum, the acquisition proceedings completed in all respect, cannot be interfered with at this length of time and the petitioner is at liberty to withdraw the said compensation amount by following the procedures as contemplated.

9. With this liberty, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index: Yes

Speaking Order

Neutral Citation: Yes

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S.M.SUBRAMANIAM, J.

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