



WEB COPY

WP Nos.15153 and 15156 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05-06-2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP Nos.15153 and 15156 of 2023

And

WMP Nos.14651 and 14653 of 2023

Alphonse

... Petitioner in both WPs

Vs.

- 1.The District Collector,
Cuddalore.
- 2.The Special District Revenue Officer-cum-
Competent Authority,
National Highways 227,
Kattumannarkoil,
Cuddalore.
- 3.The Special Tahsildar – Land Acquisition,
National Highways 227,
Kattumannarkoil,
Cuddalore.
- 4.The Territory Manager (Retail),
Bharat Petroleum Corporation Ltd.,
Raj Towers, Near Kalaingar Arivalayam,
Karur Bypass Road,
Trichy – 620 002.



5. The Project Director,
Project Implementation Unit,
Villupuram.

[R-5 suo motu impleaded vide order
of Court dated 18.05.2023 made in
WP Nos.15153 and 15156 of 2023] ... Respondents in both WPs

WP No.15153 of 2023 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records impugned notice dated 28.04.2023 in Na.Ka.No.A1/NH/42/2015 under Section 3E(1) of the National Highways Act, 1956 of the third respondent herein in respect of the lands of an extent of 962 square meters in Survey No.54/3B and 790 square meters in Survey No.54/4B, Mannarkudi Village, Kattumannarkoil Taluk, Cuddalore District and quash the same.

WP No.15156 of 2023 is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records impugned notice dated 28.04.2023 in Na.Ka.L.A.N.H.227/42/2015 under Section 3E(1) of the National Highways Act, 1956 of the third respondent herein in respect of the lands of an extent of 50 square meters in Survey No.54/3B corresponding to Survey No.54/3B1B and 74 square meters in Survey No.54/4B corresponding to Survey No.54/4B1B, Mannarkudi Village, Kattumannarkoil Taluk, Cuddalore District and quash the same.



For Petitioner in both WPs : Ms.AL.Gandhimathi,
Senior Counsel for
Mr.L.Palani Muthu.

For Respondents-1 to 3 in both
WPs : Mr.D.Ravichander,
Special Government Pleader.

For Respondent-4 in both WPs : Mr.R.John Joseph for
Mr.O.S.Karthikeyan, Standing
Counsel for Bharat Petroleum
Corporation Limited
(BPCL).

For Respondent-5 in both WPs : Mr.Su.Srinivasan

COMMON ORDER

The writ petitions have been filed challenging the order dated 28.04.2023 issued by the Special Tahsildar-Land Acquisition, National Highways.

2. The notice was issued under Section 3E(1) of the National Highways Act.



3. It is not in dispute between the parties that the land acquisition proceedings were completed and an Award was passed in the year 2021 itself.

4. The learned Senior Counsel appearing on behalf of the petitioner states that the petitioner was not aware of the land acquisition proceedings.

5. The learned Standing Counsel, appearing on behalf of the fourth respondent-Bharat Petroleum Corporation Limited, has given license to run the Petrol Retail Outlet. The petitioner was not aware of the land acquisition proceedings initiated. However, the learned Standing Counsel, appearing on behalf of the fourth respondent-Bharat Petroleum Corporation Limited, made a submission that the Corporation Authorities informed that they initiated land acquisition proceedings subsequently.

6. May that as it be, this Court is of the considered opinion that the acquisition proceedings were concluded and the Award was passed in



the year 2021 for the purpose of expansion of the National Highways Road Projects and the same is in progress. Public Projects cannot be stalled unnecessarily on account of such request. The petitioner-land owner and the fourth respondent-Bharat Petroleum Corporation Ltd., who acquired the lands are bound to vacate the same as expeditiously as possible, enabling the Authorities to complete the National Highways Road Project as per the schedule time fixed. In the event of any delay, the same would result in unnecessary loss to the Government. Therefore, the acquired lands are to be vacated or evicted as the case may be and the National Highways Road Projects are to be completed as per the time schedule fixed for its completion.

7. The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 brought to the notice of this Court that the time limit for completion of the National Highways Road Projects was fixed as August 2023 and the Authorities are in the process of completing the expansion of National Highways Road Projects.



8. This being the factum, the learned Standing Counsel appearing on behalf of the fourth respondent-Bharat Petroleum Corporation Limited made a submission that they will vacate the premises, within a period of two weeks.

9. The petitioner is the land owner. Once the fourth respondent-Bharat Petroleum Corporation Limited has removed its equipments commissioned in the subject property, the petitioner-land owner may simultaneously hand over the property to the National Highways Department, enabling them to complete the National Highways Road Project works as per the time schedule fixed.

10. Thus the petitioner-land owner and the fourth respondent-Bharat Petroleum Corporation Limited are directed to vacate the acquired premises and handover the vacant possession of the acquired premises to the Competent Authorities of the National Highways Department, on or before 30.06.2023, failing which the National Highways Department Authorities are at liberty to vacate the subject premises for the purpose of completion of Projects by the National Highways Department as per the time limit fixed.



11. With the above directions, the writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

05-06-2023

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

Office to Note: Issue order copy by 06.06.2023.



To

WP Nos.15153 and 15156 of 2



WEB COPY

1. The District Collector,
Cuddalore.
2. The Special District Revenue Officer-cum-
Competent Authority,
National Highways 227,
Kattumannarkoil,
Cuddalore.
3. The Special Tahsildar – Land Acquisition,
National Highways 227,
Kattumannarkoil,
Cuddalore.
4. The Territory Manager (Retail),
Bharat Petroleum Corporation Ltd.,
Raj Towers, Near Kalaingar Arivalayam,
Karur Bypass Road,
Trichy – 620 002.
5. The Project Director,
Project Implementation Unit,
Villupuram.



WEB COPY



WP Nos.15153 and 15156 of 2

S.M.SUBRAMANIAM, J.

Svn

WPs 15153 and 15156 of 2023

05-06-2023