



WEB COPY

W.P.No.23092 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23092 of 2023

and

W.M.P.No.22635 of 2023

Mr.R.Anbalagan

... Petitioner

Vs.

- 1.The Chief General Manager,
Chennai Region,
National Highways Authority of India,
Chennai.
- 2.The Project Director,
Project Implementation Unit,
No.54, I Floor, Natarajapuram North Colony,
Medical College Road,
Thanjavur 613 004.
- 3.The District Collector,
Collectorate,
Ariyalur District,
Ariyalur.
- 4.The District Revenue Officer,
Land Acquisition for National Highways,
Collectorate,
Ariyalur District.



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5. The Revenue Divisional Officer,
Office of the RDO,
Udayarapalayam,
Ariyalur District.

6. The Special Tahsildar,
Land Acquisition for National Highways,
Jayamkondam,
Ariyalur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings passed in Na.Ka.No.A1/112/2012 dated 26.07.2023 by the 6th respondent and to quash the same and consequently direct the respondents not to proceed further in the unlawful acquisition of land as envisaged.

For Petitioner : Mr.B.S.Srinivasan

For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

The impugned notice issued by the Special Tahsildar, Land Acquisition for National Highways in proceedings dated 26.07.2023 is under challenge in the present writ petition.



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2. Admittedly, portions of the land belonging to the petitioner were acquired for expansion of National Highways Road Projects. The acquisition proceedings were completed and the compensation determined was settled in favour of the erstwhile land owners.

3. The learned counsel for the petitioner mainly contended that after acquiring the lands as per the notification, the authorities have now issued a notice for acquisition of the property. Therefore, the notice is liable to be set aside. That apart the petitioner has altered the portion of the property, which was not acquired and therefore, any attempt by the authorities would cause prejudice to the interest of the land owners.

4. The learned Special Government Pleader appearing on behalf of the respondents relying on the spirit of impugned notice made a submission that the perception of the petitioner is incorrect in view of the fact that the authorities have issued the notice for negotiation only with a view to demolish the portions of the superstructure situated in the acquired portion of the land and there is no proposal for new acquisition or otherwise.



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5. The authorities have expressed their difficulties by stating that the petitioner has not removed the superstructure from the acquired property and citing the said reason the other erstwhile land owners are also not removing the superstructure in the acquired properties. Thus, the authorities are not in a position to complete the Road Project within the time limit stipulated.

6. Once the lands are acquired it is absolutely vest with the Government. Thereafter, the erstwhile land owners have no right.

7. In respect of the acquired lands, the authorities competent are empowered to demolish the superstructure and proceed with the National Highways Projects.

8. In the present case, few erstwhile land owners have not removed the superstructures and citing one such owner, the other owners are also not removing the superstructure. This being the factum, the petitioner is at liberty to participate in the negotiation meeting and find out a solution, failing which the authorities are empowered to proceed with the project by demolishing the superstructures situated in the acquired lands, which vest with the



Government.

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9. In this regard, if any doubt arises the authorities competent shall conduct a survey or resurvey as the case may be and proceed with the project as expeditiously as possible.

10. The learned Special Government Pleader appearing on behalf of the respondents made a submission that the date for the meeting may be fixed, since the delay would cause escalation and financial loss to the State. Thus, in the interest of the parties and in the interest of public, the respondents are directed to convene a meeting with the erstwhile land owners on 29.08.2023.

11. Meanwhile, the respondents shall conduct resurvey of the acquired lands, so as to ensure the acquired lands are protected and the superstructures in the acquired lands are removed for the purpose of completion of National Highways Project.



12. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition stands closed.

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Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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