



WEB COPY



W.P.No.32928 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.No.32928 of 2023

1. P.Gomathi

2. Suresh Kumar,

3. Sasi Reka,

4. Revathy

... Petitioners

Vs.

1. The Union Of India,
Rep. By Its Secretary,
Ministry Of Shipping Road Transport And Highways,
New Delhi.

2. The District Collector-Cum-Arbitrator,
Villupuram District, Villupuram.

3. The Competent Authority and
Special District Revenue Officer,
National Highways,
O/O. The Villupuram District Collectorate,
Villupuram.

4. The Project Director,
National Highways Authority Of India,
No. 10, Govindasamy Nagar,
Vazhudhareddy Post, Villupuram.



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5. The Competent Authority and Special Tahsildhar,
National Highways -66,
Land Acquisition, Villupuram.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, directing the respondents herein to consider the petitioner's representation dated 12/05/2023 in seeking to return/reconvey the lands measuring an extent of 322 Sq.Metres of Land Comprised in Old Survey No. 142/61 Pattanur Village, Vanur Taluk, Villupuram District to the petitioners.

For Petitioners : Mr.L.Poovendra Perumal

For Respondents : Mr.V.Veluchamy,
Additional Government Pleader,
(for R2, R3 & R5)

: Mr.S.U.Srinivasan,
Senior Counsel for NHAI (for R4)

ORDER

The writ petition is filed in the nature of Mandamus, to direct the respondents to consider the petitioners' representation dated 12.05.2023.



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2. Learned counsel for the petitioners submitted 1st petitioner's husband, Late Mr.G.Purushothaman is the absolute owner of the land comprised in S.No.142/61 situated in the Pattanur Village, Vanur Taluk, Villupuram District, by putting up a superstructure of RCC over the said land. The said land was acquired by the 1st respondent in order to expand the National Highway No.66, as per Notification issued by the 1st respondent under Section 3-A(1) and under Section 3-D(1 & 2) of the National Highways Act, 1956, published in the Gazette of India, dated 16.01.2009 and 7.07.2009 respectively.

3. The 1st petitioner's husband, Late Mr.G.Purushothaman objected the acquisition which was rejected by the authorities on 09.05.2009 and consequently, the authorities have taken possession of the said land. Thereafter, in compensating the same, on 31.03.2010 an Award in Na.Ka.No.A/PuVaSa/66-12/07 came to be passed by the 3rd respondent by awarding a total compensation of Rs.11,59,895/-, which was too low as compared to the market value of the said land, which was further challenged by the 1st petitioner's husband during his lifetime by Arbitration Petition.



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4. At this point of time, the petitioner now states that the acquisition of the said land is completely mala-fide because, after completion of the project by laying roads, the acquired petitioner's land is still in the same position as it was before acquisition. Therefore, aggrieved by the acquisition made by the respondents on 12.05.2023, the petitioner made representation to the 3rd and 4th respondents asking them to return the acquired land, by receiving the compensation that had been awarded to the petitioner, after adjusting the value towards compensation paid for the superstructure demolished during the acquisition. The 3rd and 4th respondents have received the representation made on 15.05.2023 and the the 3rd respondent also sent a letter dated 29.05.2023 in Na.Ka/N.-66/1249/2023 and directed the 5th respondent to make an inquiry and submit a detailed report before the 3rd respondent. However, till date no inquiry or action has been taken by the 5th respondent, and hence the present writ petition is filed.

5. The respondents are directed consider the representation of the petitioners by issuing notice to the petitioners as well as to the private respondents and the interested parties / rival claimants, if any, and



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thereafter, conduct inquiry and pass appropriate orders on merits and in accordance with law. The said exercise shall be completed within a period of two (2) months from the date of receipt of a copy of this order.

6. With the above directions, the writ petition stands disposed of. However, there shall be no order as to costs.

7. W.M.P.No.32571 of 2023 is ordered on payment of separate Court fee by each of the petitioners.

22.11.2023

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



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P.VELMURUGAN. J.,

(sha)

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