



WEB COPY

W.P.No.34940 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34940 of 2022

and

W.M.P.Nos.34374 & 34375 of 2022, 4513 & 14859 of 2023

1.M.Krishnan

2.A.Thanigachalam

3.G.Elumalai

4.A.Govindhasamy

5.A.Ramados

... Petitioners

Vs.

1.The National Highways Authority of India,
(Ministry of Road Transport and Highways)
Rep. by its Project Director,
Project Implementation Unit,
No.7/16, Govindharajan Street,
Tambaram West,
Kancheepuram District - 600 045.

2.The National Highways Authority of India,
(Ministry of Road Transport and Highways)
Rep. by its DGM(T) & Project Director,
Project Implementation Unit,
D.No.2-1273/1F, B.V. Reddy Colony,
Chittoor - 517 001.



3.The Chief Engineer,
National Highways,
Guindy,
Chennai - 600 025.

4.The Special District Revenue Officer and
Competent Authority,
(Land Acquisition) National Highways,
O/o. Special District Revenue Officer,
Tiruvallur District - 602 001.

... 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 relating to the impugned notification published in Indian Gazette No.4063 dated 12.10.2018 by the 1st Respondent and consequential orders made in Na.Ka.No.111/2018/A1/C.Ma.V/NH dated 25.03.2019, Na.Ka.No.143/2020/A1.C. Ma.Va.A/N.H. dated 07.09.2020 & 06.11.2020 passed by the 4th Respondent, notification published in Indian Gazette No.546, S.O.No.598(E) dated 09.02.2021 passed by the 1st Respondent and Na.Ka.No.143/2020/Spl.DRO(LA)/NH-716B dated 20.07.2021 passed by the 4th Respondent quash the same and consequently forbear the Respondents from continuing the land acquisition proceedings under the National Highways Act.

For Petitioners : Mr.M.R.Jothimanian
For K.Balu

For R1 to R3 : Mrs.S.R.Sumathy,
Standing Counsel



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For R4

: Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The notification dated 12.10.2018 issued by the 1st respondent and the consequential orders dated 25.03.2019, 07.09.2020 and 06.11.2020 passed by the 4th respondent, notification published in Indian Gazette No.546, S.O.No.598(E) dated 09.02.2021 passed by the 1st Respondent and impugned order dated 20.07.2021 passed by the 4th Respondent are under challenge in the present writ petition. Consequently, forbear the Respondents from continuing the land acquisition proceedings under the National Highways Act.

2. The petitioners state that they are the absolute owner of the land more fully described in the present writ petition. In Panapakkam and Chennangaranai Villages notification was issued to acquire the land for the purpose of National Highways projects. More specifically, the lands sought to be acquired were for the purpose of Phase-I, 4 or 6 lane road connecting the NH716B through Chittor to Thachur. The 1st respondent issued the notification under Section 3A(1) of the National Highways Act on



10.10.2018.

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3. The learned counsel for the petitioner mainly contended that no further action was initiated within a period of one year as contemplated under the Act and therefore, the entire notification lapsed and thus, the writ petition is to be allowed. However, the objections raised by the petitioner were not considered.

4. In the context of the above grounds raised by the petitioner, Project Director, National Highways Authority of India filed a counter affidavit. It is stated that the Ministry of Road Transport issued notification under section 3A(1) of the National Highways Act of 1956 on 10.10.2018 for Building (widening/two lane with paved shoulder/four laning etc.,) maintenance, management and operation of the NH 716 B in the stretch of land from Km. 91 to Km. 126.373 in several villages including for the petitioner's in the District of Tiruvallur in the state of Tamil Nadu.

5. Narrating the above sequence of actions initiated in the provision of the National Highways Act, the learned Standing Counsel appearing on behalf of the respondents 1 to 3 made a submission that the procedures were



followed scrupulously by the authorities. Section 3A(1) notification dated 10.10.2018 was allowed to lapse and subsequent notification was issued on 03.03.2020 and thereafter, the procedures were followed. Thus, the ground raised by the petitioner were not existing, so as to interfere with the process of acquisition initiated by the respondents.

6. The learned Standing Counsel for the respondents 1 to 3 made a submission that an award has already been passed, if so, the petitioner is at liberty to file an appropriate application for enhancement of compensation under Section 3G of the National Highways Act.

7. With this liberty, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

30.08.2023

rjr/jeni
Index : Yes
Neutral Citation : Yes
Speaking order



To

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