



W.P.No.65 of 2020

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.65 of 2020 &
W.M.P.Nos.70, 71 & 74 of 2020

S.Selvaraj

...Petitioner

Vs.

- 1.The Government of India,
rep. by its Ministry of Road Transport & Highways,
Transport Bhavan, No.1, Parliament Street,
New Delhi – 110 001.
 - 2.The Director (Project), Chennai,
National Highways Authority of India,
No.D, P-34, Sri Towers, South Phase, 3rd Floor,
Guindy, Chennai – 600 032.
 - 3.The Competent Authority,
& Special District Revenue Officer (Land Acquisition),
National Highways Authority of India, Kancheepuram
& Thiruvallur District,
Office of the Revenue Divisional Officer,
Kancheepuram – 631 502.
 - 4.The Special Tahsildar (Land Acquisition),
Puducherry – Mamallapuram Corridor, Unit-2, Kancheepuram,
No.16, Vishalakshi Nagar, Sevelimedu,
Kancheepuram – 631 502.
- ..Respondents



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Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records in pursuance of the order passed by the 3rd respondent in Na.Ka.No. 05/ 2018/ National Highways 332A/ Unit-2, dated 16.11.2018 pertaining to the Notification of the 1st respondent's S.O.No. 2333(E), dated 06.06.2018 under Sub-Section (1) of Section 3-A of the National Highways Act, 1956 (48 of 1956), published in the Gazette of India Extraordinary in No.2115, dated 06.06.2018 and its consequent Notification of the 3rd respondent in Na.Ka.No. 213/2018, dated 12.06.2018, published in the daily, 'Dinamalar' dated 16.06.2018 and consequent Notification of the first respondent's S.O.No.761(E) dated 05.02.2019 under Sub-Section (1) of Section 3-D of the National Highways Act, 1956 (48 of 1956), published in the Gazette of India Extraordinary in No.643 dated 06.02.2019 and its consequent Notification of the third respondent in the daily, 'Dinamalar', dated 20.02.2019.

For Petitioner : Mr.B.Dayalan

For Respondent 1 : Mr.M.Karthikeyan,
Central Government Standing Counsel

For Respondent 2 : Mr.G.Karthikeyan,
Senior Counsel

For Respondents 3 & 4 : Mr.P.Kumaresan,
Additional Advocate General,
for Mr.T.Venkatesh Kumar,
Special Government Pleader



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ORDER

The writ petition has been filed challenging the order passed by the third respondent in proceedings dated 16.11.2018 pertaining to the acquisition notification dated 06.06.2018.

2. Admittedly, the award has already been passed and the land is vested with the Government. The land was acquired for National Highways projects and the grievances of the writ petitioner is that the procedures as contemplated under section 3C of the National Highways Act was not followed. However, the petitioner participated in the subsequent award proceedings and established his title and the amount of compensation has been deposited. Thus, the petitioner is at liberty to withdraw the said compensation.

3. Regarding the appeal under section 3G(5) of the Act, the learned Senior Counsel appearing on behalf of the second respondent raised an objection that the period of limitation expired.



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4. However, Article 14 of the Limitation Act provides concession to the persons who all are approaching the court for the purpose of redressing their grievances before the right forum. In the present case, the petitioner has already filed the present writ petition in the year 2020 which is pending for a period of three years. Therefore, the period of pendency of the present writ petition is to be excluded for the purpose of entertaining the appeal to be filed by the petitioner under section 3G(5) of the Act for seeking enhancement of compensation. Thus, the petitioner is at liberty to file an application for enhancement of compensation and such application if filed, shall be decided on merits and in accordance with law.

5. With this liberty, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.08.2023

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Index: Yes
Speaking Order

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To

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