



W.P.No.31163 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.31163 of 2018 &
W.M.P.Nos.36362 & 36364 of 2018

- 1.G.Narayanasamy
- 2.G.Vijayakumar
- 3.Mangaiyarkarasi
- 4.K.Selvarasu
- 5.G.Kumaraguruvel
- 6.B.Muruganathan
- 7.S.Ganga
- 8.G.Latha
- 9.G.Venkatesan
- 10.A.Balamurugan
- 11.G.Shanmugam
- 12.G.Surya
- 13.R.Ranganathan
- 14.K.Sankaramoorthy
- 15.V.Ramamoorthy
- 16.A.Kaleemulla
- 17.R.Asina
- 18.K.Jayaraman
- 19.R.Rajeswari



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20.K.Amalachi

21.R.Valli

22.M.Selvi

23.Sarathambal

24.S.Natarajan

25.A.Selvarasu

26.A.Vasanth

27.A.Kalyana Sundaram

28.J.Elangovan

29.J.Gnanasekaran

30.R.Thamil Selvi

31.S.Syed Meeran

32.M.Kanimozhi

33.Palanivel

34.M.Mohamed Hussain

35.N.Radha Krishnan

36.M.Selvam

37.Govindasamy

38.V.Karunagaram

39.K.Valliyamai

40.R.Kasthuri

... Petitioners

Vs.

1.National Highways Authority Of India (NHAI)
Rep. by its Chairman,
No.G5 and 6, Sector -10, Dwarka,
New Delhi - 110 075.



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2. Project Director,
National Highways Authority of India (NHAI),
(Ministry of Road Transport and Highways),
No.19, Govindasamy Nagar,
Vazhudha Reddy Post, Villupuram -605 401.
3. The Competent Authority,
Special District, Revenue Officer (Land Acquisition),
National Highways No.45 -A,
District Collectorate, Cuddalore.
4. District Collector,
Cuddalore District,
District Collectorate,
Cuddalore.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus, calling for the records relating to notification published on 08/07/2017 and 21/07/2016 in Daily Thanthi Tamil Newspaper under Section 3A(1) of the National Highways Act and the consequential notice Published in Daily Thanthi Dated 14/10/2017 19/07/2018 and 21/07/2018 under Section 3D and 3G(3) of the National High ways Act, 1956 issued by the 3rd respondent quash the same and forbear the respondents quash the same and forbear the respondents from forming four lane in Cuddalore District, National Highways No.45 -A, From Km 37/450 to Km 38 /650 Km 39/950 to km 42/350 km 47/225 to km 48/400 and km 50/610 to km 108 /860 (villupuram - Puducherry - Cuddalre - Nagapattinam) through the petitioners properties instead of expanding the existing road originally aligned by the respondent.



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For Petitioners : Mr.K.Balu
For Respondents 1 & 2 : Mrs.S.R.Sumathy
For Respondents 3 & 4 : Mr.P.Kumaresan,
Additional Advocate General
Assisted by
Mr.D.Ravichander,
Special Government Pleader

ORDER

The writ on hand has been instituted challenging the notification issued under Section 3A(1) of the National Highways Act, published on 08/07/2017 and 21/07/2016 in Daily Thanthi Tamil Newspaper and the consequential notice issued under Section 3D and 3G(3) of the National High ways Act, 1956, published in Daily Thanthi dated 14/10/2017 19/07/2018 and 21/07/2018 issued by the 3rd respondent.

2. The lands belonged to the petitioners were acquired for the purpose of expansion of National Highways (NH45A) i.e., formation of bye pass road between Villupuram, Puducherry and Nagapattinam Section NH45 A.

3. The grievances of the writ petitioners are that the alignment has been improperly made by the authorities which caused prejudice to the interest of the land owners. It is contended that the authorities have



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deviated the alignment without any negotiation with the petitioners and thus, the petitioners are constrained to move the present writ petition.

4. The realignment proposed by the petitioners are not in consonance with the original alignment and in this regard, the land losers had not been heard by the authorities. The agricultural lands situated in that locality were not taken into consideration, at the time of realignment of the Highway projects. At the outset, it is contended that the objections submitted by the petitioners for realignment were not considered objectively and subjectively, but rejected in a routine manner. It is also contended that the names of the petitioners 1, 2, 3 and 9 were not included in section 3A(1) notification.

5. The learned Additional Advocate General appearing on behalf of the State of Tamil Nadu contended that the procedures as contemplated under the provisions of the National Highways Act has been scrupulously followed and the objections submitted by the petitioners were considered and accordingly, declaration was made by the Central Government under section 3D(4) of the Act and thus, the petitioners now cannot raise an issue relating to alignment.



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6. Regarding alignment, the technical report submitted by the expert became final and the land owners cannot have any other opinion and opinion of the experts became final. However, such objections are considered by the authorities and an order has been passed. The ground raised by the petitioners that the reasons are inadequate, deserves no merit consideration, since section 3C of the Act provides hearing of objections. Sub Section 1 stipulates that "Any person interested in the land may, within twenty-one days from the date of publication of the notification under sub-section (1) of section 3A, object to the use of the land for the purpose or purposes mentioned in that sub-section."

7. Relying on section 3C, the learned Additional Advocate General reiterated that the objections regarding the use of land for the purpose of which it is acquired alone to be considered by the competent authorities and it is unnecessary to consider all other objections raised by the land owners regarding alignments or formation of road or other infrastructural facilities in the Highways. These aspects are falling exclusively within the purview of the technical experts, which cannot be gone into by the Court nor such objections from the land owners need to be considered by the authorities.



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8. In the event of entertaining such objections from the land owners, the authorities and the technical experts may not be in a position to finalise the project itself. Even if some error or otherwise identified, it is for the experts to rectify the same and certainly not at the instance of the land owners and therefore, such objections if entertained would defeat the very purpose and object of the acquisition law and the authorities may not be in a position to implement the projects as per the time schedule. Non implementation within the time limit would result in great financial loss to the Government. Thus, such objections which all are unconnected with the use of land for the purpose or purposes mentioned in sub section 2 to section 3C, need not be considered.

9. Perusal of section 3C would indicate that the hearing of objections from the land owners are limited to the extent stated in the provision. Beyond the scope of section 3C, the objections if any raised, need not be considered by the authorities. Therefore, the objections raised regarding the realignment, the authorities have considered and passed orders under section 3C(2) of the Act and such orders were communicated to the land owners concerned. Thus, there is no procedural violation and the petitioners cannot expect that each and every objection raised by them is to



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be answered by the authorities concerned. The arguments in this regard made by the learned counsel for the petitioners are beyond the scope of section 3C of the Act, which stipulates procedure for hearing of objections and for passing orders.

10. In the present case, the petitioners admittedly filed his objections and the authority competent passed an order under section 3C(2) of the Act. The said order was communicated and subsequently, a declaration under section 3D(4) was made by the Central Government and thereafter, the subject lands are vested with the Government and thus, the question of compensation alone remains.

11. Regarding compensation, the petitioner is at liberty to raise an objection before the Arbitrator / District Collector, if any grievance exists. The award has already been passed and the compensation amount has also been deposited. Thus, it is for the petitioners to receive the compensation by filing appropriate applications and by approaching the authorities. In the event of any grievance regarding compensation exists, the petitioners are at liberty to seek enhancement under section 3G(5) of the Act.



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12. The project is already delayed for more than ten years and such road projects if delayed, would cause prejudice to the public interest. On account of an interim order, the projects are stalled. In the present case, the grounds raised by the petitioners were considered by the authorities competent and an order was passed based on their objections and subsequently, declaration was made and award was passed .

13. The learned Additional Advocate General appearing on behalf of the State, brought to the notice of this Court that in respect of the criminal cases registered, the CBCID is in the process of investigating the entire aspects, since the Government funds to the tune of Rs.200/- crores are involved. In the event of completing the investigation, the Authorities will be in a position to take clear decisions with reference to the title and ownership as claimed by all the petitioners and the parties claiming to be land owners not involved in these writ petitions.

14. That being the factum, the petitioner 1, 2, 3 & 9 shall furnish the copy of the title documents enabling the authorities to consider their case and permit them to withdraw the compensation amount already deposited before the Land Acquisition Officer and the remaining petitioners are



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concerned, they are at liberty to receive the compensation by following the procedures as contemplated and if they are not satisfied with the compensation, they are at liberty to approach the Arbitrator seeking enhancement of compensation.

15. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes

Speaking Order

Neutral Citation : Yes



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No.G5 and 6, Sector -10, Dwarka,
New Delhi - 110 075.
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(Ministry of Road Transport and Highways),
No.19, Govindasamy Nagar,
Vazhudha Reddy Post, Villupuram -605 401.
- 3.The Competent Authority,
Special District, Revenue Officer (Land Acquisition),
National Highways No.45 -A,
District Collectorate, Cuddalore.
- 4.District Collector,
Cuddalore District,
District Collectorate,
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S.M.SUBRAMANIAM. J.,

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