



W.P.(MD)No.4085 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.4085 of 2021

and

W.M.P.(MD).No.3279 of 2021

1.J.Balamurugan

2.J.Velmurugan

... Petitioners

Vs.

1.The Union of India,

Represented by its Secretary to Government,
Ministry of Road Transport and Highways,
New Delhi.

2.The District Collector,
Madurai District.

3.The District Revenue Officer
Cum-Project Competent Authority Land
Acquisition (NHAI),
Virudhunagar.

4.The Project Director,
National Highways Authority of India (NHAI),
Madurai.



W.P.(MD)No.4085 of 2021

5.The Executive Engineer

Tamil Nadu Agricultural Engineering Department,
Madurai Region, T.P.K.Road,
Madurai-625 011.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to withdraw/drop the petitioners' land situated in Survey Nos.1/14A1 and 3/12A of Vilacheri Village, Nagamaladipudukkottai, Madurai District, measuring an extent of 22 1/2 cents from the Additional Land Acquisition proceedings.

For Petitioner : Mr.K.K.Senthilvelan

For R-1 : Mr.S.Jeyasingh,
Senior Panel Counsel,
Government of India

For R-2, R-3 &
R-5 : Mr.A.K.Manikkam,
Special Government Pleader

For R-4 : M.r.C.Arul Vadivel @ Sekar,
Senior Counsel
for M/s.Arulvadivel Associates

ORDER

This Writ Petition has been filed for the issue of writ of mandamus directing the respondents to withdraw / drop the acquisition proceedings and to reconvey the lands that were acquired from the petitioners by considering the representation made by the petitioner on 11.09.2020.



W.P.(MD)No.4085 of 2021

WEB COPY

2. Heard the learned counsel on either side.

3. The case of the petitioners is that they had purchased the subject property through a registered sale deed dated 04.09.2019 registered as Document No.3294 of 2019. The petitioners came to know that the National Highways have proceeded to include the subject property during the acquisition proceedings. According to the petitioners, neither the petitioners nor their vendors have received any compensation amount and that apart, the land that was acquired has not been utilized. Therefore, the petitioners made a representation for reconveyance of the subject property. Since the same was not considered, the present writ petition has been filed before this Court.

4. In the considered view of this Court, if the compensation amount has not been received by the petitioners or their vendors, it has to be independently agitated by the petitioners in the manner known to law. That cannot be a ground to seek for the reconveyance of the land. Even in the counter affidavit that has been filed by the National Highways



W.P.(MD)No.4085 of 2021

Department, it is stated that the compensation amount has been paid to the vendors of the petitioners. It is not necessary for this Court to go into this issue.

5. The only issue that requires consideration of this Court is as to whether the petitioners are entitled for reconveyance of the land that was acquired under the National Highways Act and it has been repeatedly held that there is no provision under the National Highways Act for reconveyance of the acquired land to the land owners. The law on this issue is no longer *res integra*. Useful reference can be made to the Judgment of this Court in the case of ***G.Poosanam Vs. the Project Director, National Highways Authority of India, No.7E, 5th Cross Jakkappan Nagar, Krishnagiri and others*** in ***W.P.16186 of 2011*** dated 16.09.2020. In the absence of any specific provision under the Act, there is no scope for the respondents to reconvey the lands that have been acquired. This Court cannot issue any directions beyond the scope of the National Highways Act and hence, the relief sought for by the petitioners cannot be granted by this Court.



W.P.(MD)No.4085 of 2021

WEB COPY

6. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, the connected miscellaneous petition is closed.

12.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

1.The District Collector
Madurai District.

2.The District Revenue Officer
Cum-Project Competent Authority Land
Acquisition (NHAI), Virudhunagar.

3.The Executive Engineer
Tamil Nadu Agricultural Engineering Department,
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W.P.(MD)No.4085 of 2021

N.ANAND VENKATESH, J.

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W.P.(MD)No.4085 of 2021

12.10.2023