



W.P(MD)No.13816 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.13816 of 2023

and

W.M.P.(MD)Nos.11645 and 11646 of 2023

1.Mani @ Durairaj

2.Rajavel

3.Durairaj

4.Sundaramurthy

5.Parthasarathi

6.Chandrasekharan

... Petitioners

Vs.

1.Ministry of Road Transport and

Highways Department,

Government of India, New Delhi.

*(RI is amended vide order dated
04.12.2023 in W.M.P.(MD)No.13638 of
2023 in W.P.(MD)No.13816 of 2023 by
GRSJ)*

2.The Authorized Officer Cum

Special District Revenue Officer,

National Highways – 45 L (L.A),

Vikravandi – Kumbkonam – Thanjavur Section,

Thiruvarur.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the proceedings issued by the 1st respondent has issued the impugned notification dated 20.07.2020 in Na.Ka.No.9282/2019/A5 Ministry of Road Transport and Highways Department for the purpose of laying of National Highway Road No.226-Extension as per National Highway Act 3 D(2) of 1956 and also consequential orders issued by the 2nd respondent in Na.Ka.No.45/2023/A/dated 24.03.2023 and quash the same as illegal and unconstitutional.

For Petitioners : Mr.B.Jameelarasu

For Respondents : Mr.K.Govindarajan,
Deputy Solicitor General of India for R1.
Mr.S.RA.Ramachandran,
Addl. Government Pleader for R2.

ORDER

Heard both sides.



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2. Even though there is considerable merit in the contention of the learned counsel for the petitioners that paddy fields should not be destroyed for laying roads, I am unable to interfere for two reasons. Firstly, the petition mentioned project was challenged in W.P.(MD)No.3003 of 2023 and the Hon'ble Division Bench vide order dated 15.03.2023 had held as follows:-

“4. The learned Government Pleader appearing for the respondents submitted that the respondents have issued notification on 20.07.2020 for acquiring the land under Section 3A of the National Highways Land Acquisition Act, and thereafter, considering the objections, final notification has also been issued and award has been passed and 89 farmers have been received the compensation from the Department out of 300 persons. Thereafter, tenders have been floated and work order has also been issued to the successful bidder viz., M/s.JSV Infra, Thanjavur on 26.08.2022 and the work has been commenced from 12.10.2022 to the extent of 6.754 Kms. He further submitted that after harvesting, the entire construction work will be completed and therefore, at this stage, the prayer of the petitioner cannot be entertained and hence, this Writ Petition is liable to be dismissed.



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6. On a perusal of the records, it is seen that the land acquisition proceedings have been completed and work order has been issued and the work has been commenced from 12.10.2022. Therefore, we are of the view that at the belated stage, the prayer of the petitioner cannot be granted and the petitioner has to approach this Court when the acquisition process has been commenced. Further, the petitioner is not an aggrieved person and he has filed this Writ Petition by representing the village people under the guise of Public Interest Litigation and therefore, we are not inclined to entertain this Writ petition. Hence, this Writ Petition is liable to be dismissed."

3.In the counter affidavit also, it has been stated that substantial part of the work has already been completed. In these circumstances, the Writ Court cannot entertain the writ petition. It is stated that award had already been passed but the petitioner is yet to receive the compensation. It is open to the petitioners to receive the compensation from the second respondent without prejudice to their right to seek enhancement. The right of the petitioners to seek enhancement of compensation will start running from 01.01.2024.



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4. With this liberty to the petitioners to seek higher compensation, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.12.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Authorized Officer Cum
Special District Revenue Officer,
National Highways – 45 L (L.A),
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G.R.SWAMINATHAN, J.

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