



W.P.(MD).Nos.15354 and 15358 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).Nos.15354 and 15358 of 2020

and

W.M.P.(MD).Nos.12900 and 12903 of 2020

W.P.(MD).No.15354 of 2020:

T.Thomas Abraham

... Petitioner

Vs.

1.National Highways Authority of India,
Represented by,
Project Deputy General Manager (T),
Project Implementation Unit,
Madurai – 625 003.

2.The District Collector,
District Collectorate,
at Nagercoil,
Kanyakumari District.

3.The District Revenue Officer,
Kanyakumari District.

4.The Competent Authority,
Land Acquisition, N.H-7,
And District Revenue Officer,
Nagercoil, Kanyakumari District.

... Respondents



W.P.(MD).Nos.15354 and 15358 of 2020

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the land acquisition proceedings of the competent authority, the District Revenue Officer, Kanyakumari dated 11.10.2004 in Lr.No.E3/21098/2004 is Null and Void and Non-Est and consequentially directing the fourth respondent to reconvey the land to the petitioner by receiving the compensation amount with interest.

W.P.(MD).No.15358 of 2020:

J.Bijou John

... Petitioner

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring the land acquisition proceedings of the competent authority, the District Revenue Officer, Kanyakumari dated 11.10.2004 in Lr.No.E3/21098/2004 is Null and Void and Non-Est and consequentially directing the fourth respondent to reconvey the land to the petitioner by receiving the compensation amount with interest.

(In both Writ Petitions):

For Petitioner	: Mr.P.Paranthaman
For R-1	: Mr.P.Karthick
For R-2 to R-4	: Mr.S.Jeyapriya Government Advocate

COMMON O R D E R

In both the Writ Petitions, the petitioners have sought for declaration to declare the acquisition proceedings as lapsed on the ground that the possession continues with the petitioners and that the National Highways Authority of India has not chosen to utilize the property that was acquired till date.

2. Heard the learned counsel appearing on behalf of the petitioner, the learned counsel appearing on behalf of the first respondent and the learned Government Advocate appearing on behalf of the second respondent.



W.P.(MD).Nos.15354 and 15358 of 2020

3. The learned counsel for the petitioners in the course of arguments submitted that the petitioners were not aware of the acquisition proceedings and they came to know about it only at a later point of time.

4. On going through the materials, it is seen that the acquisition proceedings was of the year 2004 and the award was passed in the year 2006. The petitioners have stated in the affidavit filed in support of the Writ Petition that they have also received the compensation amount on protest. The petitioners continued to be in possession of the property.

5. If the petitioners have received the award amount from the respondents, the requirement under Section 24(2) of the Right to Fair Compensation Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 Act is not satisfied. Therefore, the acquisition proceedings cannot be held to have lapsed. That apart, there is no provision under the National Highways Act, 1956 to reconvey the acquired lands to the land owners. This issue was dealt with by this Court in W.P.(MD).No.16186 of 2011 and while passing an order on 16.09.2020, it was categorically held that there is no scope for reconveyance of the acquired lands under the National Highways Act.



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6. It is quite curious that the petitioners have consciously omitted to state in the affidavit filed in support of the Writ Petition as when they received the compensation amount. The fact remains that the compensation amount has been received by the petitioners.

7. In the light of the above discussion, the relief sought for by the petitioners cannot be granted by this Court and both Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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To

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W.P.(MD).Nos.15354 and 15358 of 2020

N.ANAND VENKATESH, J.

Nsr

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