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W.P.(MD)No.17974 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17974 of 2023
and W.M.P.(MD)No.15008 of 2023

K.Prema

... Petitioner

versus

1. The Government of India,
Represented by its Secretary,
Ministry of Surface / Road Transport
and Highways,
No.G5, 6, Sector – 10, Dwarka,
New Delhi – 110 010.
2. The Project Director,
Road Transport and Highways Department,
Thirumangalam to Rajapalayam,
(NH-744) Four Way Project,
No.393/3-1, M.S.Colony, Majestic Colony,
Opposite to Iyyappan Kovil,
Parvathipuram, Nagercoil – 629 003.
3. The Authorized Officer/Special
District Revenue Officer (L.A.),
Road Transport and Highways Department,
Thirumangalam to Rajapalayam,
(NH-744) Four Way Project,
District Collectorate Campus,
Virudhunagar.



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4. The National Highways Authority of India,
Rep. by its Deputy General Manager (T)
and Project Director,
2nd and 3rd Floor, Vijayakrishna Plaza,
No.1, Lake Area, Melur Main Road,
Mattuthavani, Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to forbear the respondents from acquiring the petitioner's land additionally contrary to the award passed by the 3rd respondent in respect of land comprised in Survey No.1272/1, 2A, 2B, 2D and 1273/2A and 2B situated in Viluppanur Village, Srivilliputhur Taluk, Virudhunagar District.

For Petitioner : Mr.M.Saravanakumar

For R1 and R4 : Mr.K.Govindharajan,
Deputy Solicitor General
assisted by Mr.P.Karthick,
Central Government Standing Counsel

For R2 : Mr.Sri Srinivasan

For R3 : Mr.P.T.Thiraviam,
Government Advocate

ORDER

The petitioner has filed this writ petition for a Mandamus forbearing the respondents from acquiring the petitioner's land



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additionally contrary to the award passed by the 3rd respondent in respect of land comprised in Survey No.1272/1, 2A, 2B, 2D and 1273/2A and 2B situated in Viluppanur Village, Srivilliputhur Taluk, Virudhunagar District.

2. The learned counsel appearing for the petitioner submits that the petitioner's land in the said village was already acquired by the National Highways in the year 2022 and an award has also been passed. Now, they are intending to take some more lands than the land already acquired under the award, which has already been passed, without following due process of law and therefore, the petitioner has filed this writ petition.

3. The learned Deputy Solicitor General appearing for the respondents submits that the Highways Department is intending to expand the road with a roundana at Krishnan Kovil Junction, for that purpose, they are identifying suitable lands. In the event the



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petitioner's land is required for that purpose, the same would be acquired in accordance with law, by following due process of law.

4. Recording the submission of the learned Deputy Solicitor General appearing for the respondents that they are not intending to take the petitioner's land immediately and they are identifying the place for roundana and in the event the petitioner's land is required, they would acquire the same in accordance with law, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

26.07.2023

ogy
NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

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Ministry of Surface / Road Transport and Highways,
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B.PUGALENDHI, J.

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