



W.P(MD)No.23189 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.23189 of 2023 and
WMP(MD) No.19395 of 2023

Murugan

... Petitioner

Vs

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Project Director,
National Highways Authority of India,
Project Implementation Unit,
Nagercoil,
Kanyakumari.
- 3.The Special District Revenue Officer,
Land Acquisition, Nh-744,
Virudhunagar.
- 4.The Special Tahsildar,
Land Acquisition, Nh-744, Unit -2,
Srivilliputhur,
Virudhunagar.

...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 Certiorari, to call for the records relating to the impugned communication issued by the second respondent dated 06.09.2023 in his proceedings NHAI/PIU/NGL/NH-744/Pkg-II/Vadu-Raja/2023/1837 and set aside the same as illegal and dispose of the same within the period that may be stipulated by this Court.

For Petitioner : Mr.Ramanujam
For R1, R3 & R4 : Mrs.D.Farjana Ghoushia
Special Government Pleader
For R2 : Mr.Su.Srinivasan
Standing Counsel

ORDER

The case of the petitioner is that the petitioner's residential house to an extent of 345 sq.meters in Survey No. 502/2A, Kalathur Village, Watrap Taluk, Virudhunagar District has been acquired by the National Highways for the development of NH 744 for the purpose of laying four way lane connecting Thirumangalam-Rajapalayam-Senkottai and compensation of Rs.63,02,760/- has been deposited in the petitioner's bank account. The second respondent/the Project Director, Nagercoil has sent a communication to the petitioner to vacate the acquired property on



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or before 24.09.2023. Challenging the same, the petitioner is before this Court with this writ petition.

2.The learned counsel appearing for the petitioner submits that the notice required under Section 3E(1) of National Highways Act, 1956 has not been issued to the petitioner. He further submits that challenging the compensation awarded to the petitioner, he has filed an Arbitration O.P.No.1 of 2023 under Section 3G(5) of the Act and the same is still pending.

3.Mrs.D.Farjana Ghoushia, learned Special Government Pleader, who takes notice for the respondents 1, 3 & 4 submits that notice has already been served on the petitioner through the Village Administrative Officer in the month of February 2021. She further submits that the petitioner himself has made a request on 30.08.2023, requesting them to provide time for another 25 days from 30.08.2023 to hand over the possession of the acquired property. The request of the petitioner was considered by the



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respondents and they have sent the communication on 06.09.2023 after providing the required time.

4.This Court considered the rival submissions made.

5.The communication sent by the National Highways Department, directing the petitioner to vacate the acquired property on or before 24.09.2023 is under challenge in this writ petition. According to the petitioner, notice required under Section 3E(1) of National Highways Act has not been issued to the petitioner, whereas, the respondents have taken a stand that notice has been duly served on the petitioner through the concerned Village Administrative Officer. Moreover, the request made by the petitioner on 30.08.2023, seeking extension of time has also been considered by the respondent Department and the impugned communication has been sent only on 06.09.2023, that too, directing the petitioner to vacate the property on or before 24.09.2023.



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6.In view of the above, this writ petition is disposed of with a direction to the petitioner to hand over the possession of the acquired property on or before 01.11.2023 without fail. The petitioner's objection on compensation shall be considered by the Arbitrator concerned and a decision shall be taken in accordance with law within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

22.09.2023

NCC :Yes/No
Index :Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

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