



W.A.(MD).No.44 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.12.2023

CORAM

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD).No.44 of 2023

S.Vairamani

.. Appellant/Writ Petitioner

Vs.

- 1.The Union of India,
Represented by the Secretary to Central Government,
Ministry of Road Transport and Highways,
New Delhi – 110 001.
- 2.The District Collector,
Tiruchirappalli District,
Tiruchirappalli – 620 001.
- 3.The District Revenue Officer/Authorized Officer of
National Highway Authority of India,
Trichy, Trichy District.
- 4.The Special Tahsildar (Land Acquisition),
Trichy - Karur National Highways No.67,
Trichy.



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5. The Project Director,
O/o. the Project Director,
National Highways Authority of India,
Project Implementation of Unit (PIU),
No.10, Kamathenu Nagar,
Karur Town,
Karur District.

.. Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 01.09.2022 in W.P.(MD).No.15526 of 2019 passed by this Court and allow this Writ Appeal.

For Appellant	: Mr.V.Karuna
For R-1	: Mr.K.Ashok Kumar Ram
For R-2 to R-4	: Mr.S.Shanmugavel Additional Government Pleader
For R-5	: Mr.M.K.Sachin Rahul for M/s.C.Arulvadivel Associates

JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM,J.)

The Writ Appeal has been instituted against the order dated 01.09.2022 passed in W.P.(MD).No.15526 of 2019.

2. The writ petitioner is the appellant before us. The appellant states that without acquiring the land belonged to the appellant, the authorities of



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the National Highways Department laid road and compensation also has not been paid. Thus, the appellant was constrained to move the Writ Court.

3. When the matter was taken up by the Writ Court, the learned Additional Government Pleader made a submission that an award has been passed and the compensation amount of Rs.13,91,754/- is ready for disbursal in favour of the appellant. Accordingly, the learned Single Judge directed the respondents to serve the copy of the award on the writ appellant forthwith and without any delay. The compensation was also directed to be settled in favour of the writ appellant. Not satisfied with the order, the writ petitioner preferred the appeal on the ground that the damages, as sought for, has not been granted by the Writ Court. More so, the compensation awarded is not just and proper.

4. During the course of arguments, we found that the award has not been served on the writ appellant, since the respective learned counsels are unable to furnish the date of serving of the award to the writ appellant. Since the award has not been served properly, we direct the respondents to



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serve a copy of the award to the appellant and on receipt of the same, the appellant is at liberty to approach the District Collector seeking enhancement of compensation in the manner contemplated under the National Highways Act. It is made clear that the appellant is entitled for compensation from the date on which the property belonged to the appellant was taken over by the authorities of the National Highways Department till 15.06.2021, the award was passed under the New Act of the year 2013. The illegality committed by the authorities cannot be condoned and therefore, the erstwhile land owner is entitled for compensation for the above period also.

5. With the above liberty, this Writ Appeal stands disposed of. There shall be no order as to costs.

(S.M.S.,J.) (V.L.N.,J.)
14.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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