



W.P(MD)No.27300 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27300 of 2023

R.Sasikala

... Petitioner

Vs.

1.The National Highway Authority of India,
Represented by its Project Director,
Project Implementation Unit,
No.54, Natarajapuram Colony,
North State Bank Colony Road,
Medical College Road,
Thanjavur-613 004.

2.The District Collector,
Thanjavur,
Thanjavur District.

3.The Special District Revenue Officer (Land Acquisition)
National Highways, 67, 45C & 32, 98/3 SGS Complex, New Street,
Thiruvarur-Mayiladuthurai Road,
Tiruvarur-610 001.

4.The Special Tahsildar,
Land Acquisition,
National Highways,
Gandhiji Road,
Thanjavur District-613 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pay adequate compensation for the unlawful dispossession, forcible wrongful



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acquisition of the petitioners private patta land in excess in Survey No. 501/146A, Nanjikottai Village, Thanjavur Taluk, and District to the extent of 68 sq. meters with adequate costs and interest in accordance with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Settlement Act 2013 or in accordance with National Highway Act within a reasonable time to be determined by this Court.

For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader for R2, R3 & R4
: Mr.P.Karthik for R1

ORDER

Heard both sides.

2. The land belonging to the petitioner was acquired under the provisions of the National Highways Act, 1956. In the acquisition notification, it was mentioned that only 66 square meters of land was proposed to be acquired. But then, it turned out that 134 square meters of land eventually came to be taken from the petitioner. In the award passed by the third respondent, compensation was paid only for 66 square meters. Therefore, the petitioner is justified in making claim for the balance extent of 68 square meters. She must be paid compensation as per law. No exception can be taken to the petitioner's request.



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3. The learned Special Government Pleader would contend that the amended notification will have to be issued. These are matters of formality to be observed by the respondents. The petitioner cannot be made to wait. The respondents are directed to pay compensation to the petitioner for the balance extent of 68 square meters. The compensation will have to be computed as per the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The petitioner will also be entitled to corresponding interest. The entire amount shall be paid within a period of 10 weeks from the date of receipt of a copy of this order.

4. The Writ Petition is allowed. No costs.

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Index : Yes / No
Internet : Yes/ No
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To

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Thanjavur District.

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National Highways, 67, 4f5C & 32, 98/3 SGS Complex, New Street,
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