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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.3530 of 2024
and W.M.P.Nos.3790 & 3792 of 2024

1.B.Bairappan
2.B.Rajesh
3.B.Baresh
4.B.Suresh

...

Petitioners

versus

- 1.The Secretary to Government,
Highways Department,
Government of Tamilnadu,
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Project Officer,
National Highways Authority of India, (NHAI)
Project Implementation Units (PIUs),
Power House Colony,
Thiruvalluvar Nagar,
Krishnagiri - 635 001.
- 3.Assistant Commissioner,
Commercial Tax Department (Toll Booth),
Osuri Taluk, Krishnagiri District.
- 4.The District Collector,
Collector Office Road,



Krishnagiri,
Krishnagiri District - 635 115.

5. The Tahsildar,
Old Madras High Way,
Bargur, Krishnagiri,
Krishnagiri District - 635 104.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay adequate and fair compensation under the Tamil Nadu Fair Compensation Act 2014 or give appointment to the petitioners 2 & 3 or return the lands to the Petitioners by permitting them to cancel the Gift Deed dated 24.10.2013.

For Petitioners	:	Mr.R.Singaaravelan Senior Counsel for Mr.I.Saddam Hussain
For Respondent Nos.1, 4 & 5	:	Mr.A.Selvendran Special Government Pleader
For Respondent No.2	:	Mr.Su.Srinivasan Standing Counsel for NHAI
For Respondent No.3	:	Mr.M.Venkateswaran Special Government Pleader (Tax)

ORDER

This Writ Petition has been filed to direct the respondents to pay compensation under the Tamil Nadu Fair Compensation Act, 2014 or to give appointment to the petitioners 2 and 3 or to return the lands to the petitioners by permitting them to cancel the Gift Deed dated 24.10.2013.



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2. Heard Mr.R.Singaaravelan, learned Senior Counsel appearing for the petitioners, Mr.A.Selvendran, learned Additional Government Pleader appearing for the respondents 1, 4 & 5, Mr.Su.Srinivasan, learned Standing Counsel for the second respondent and Mr.M.Venkateswaran, learned Special Government Pleader (Tax) for the third respondent.

3. The grievance of the petitioners is that, the first petitioner executed a registered Gift Deed in favour of the third respondent, for the purpose of establishing Toll Booth in Survey No.286/1 to an extent of 12½ cents at Chinnamatarapalli Village, Bargur Taluk, Krishnagiri District and the same has not been established and hence, they seek a direction to pay compensation or to return back the lands.

4. Counter filed by the second respondent to the effect that he is not a necessary party. The fifth respondent has filed counter to the effect that no acquisition was made and the writ petitioners have been cultivating the property even now. The first respondent has also filed counter to the effect that the land has not been acquired.



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5. The learned Special Government Pleader (Tax) for the third respondent would submit that the purpose for which the gift deed was obtained has not been achieved and they no longer require the said land for establishing the Toll Booth and they are ready to reconvey the property to the petitioners within a reasonable time.

6. In such view of the matter, there shall be a direction to the third respondent to reconvey the property to the petitioners within a period of two months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

16.04.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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N.SATHISH KUMAR, J.

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