



W.A.Nos.1050 and 1051 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.1050 and 1051 of 2021

1.V.P.Sridharan
2.V.P.Vijayakumar

.. Appellants in
both WAs

Vs.

1.The Competent Authority and
Special District Revenue Officer,
Land Acquisition – National Highways,
Vellore District,
Vellore – 632 009.

2.The Special Tahsildhar,
Land Acquisition,
National Highways,
Collectorate, Vellore-632 009.

3.The Project Director,
National Highways Authority of India,
7E, 5th Cross, Jakkappan Nagar,
Krishnagiri-635 001.

.. Respondents in
both WAs



W.A.Nos.1050 and 1051 of 2021

Prayer : Appeals filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 30.10.2019 passed in W.P.Nos.3194 and 3195 of 2013.

For the Appellants : Ms.Kamachi .D

For the Respondents : Mr.K.Karthik Jegannath
Government Advocate
for respondents 1 and 2

: Mr.Su.Srinivasan
for respondent No.3

COMMON JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Ms.D.Kamachi, learned counsel for the appellants; Mr.K.Karthik Jegannath, learned Government Advocate for respondents 1 and 2; and, Mr.Su.Srinivasan, learned counsel for the third respondent.

2. The present appellants have filed writ petitions seeking reconveyance of the lands acquired under the Land Acquisition Act, 1894.



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3. The learned Single Judge dismissed the writ petitions. Aggrieved thereby, the present writ appeals are filed.

4. Learned counsel for the appellants submits that the respondents have not used the lands acquired for 19 years. In view of that, the appellants/original writ petitioners are entitled for reconveyance of the lands. Learned counsel further submits that an erroneous statement was made by the respondents in the writ petitions that the appellants have not raised objection to the acquisition within 21 days. The same is erroneous. The appellants have immediately raised an objection to the acquisition. According to learned counsel for the appellants, the fact that the lands have not been used is sufficient to reconvey the lands and drop the acquisition proceedings.

5. Learned Government Advocate appearing for respondents 1 and 2 and learned counsel for the third respondent submit that the learned Single Judge has considered the requirement of the lands and has rightly passed the order.

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6. Upon perusal of the order and the counter-affidavit filed by the first respondent in the writ petitions, it appears that the lands are required for the following reasons:

- (a) Administrative set up for NH-46, Kr-3 package.*
- (b) Parking of essential vehicle/plant used for maintenance and upkeep.*
- (c) Storage/stacking yard.*
- (d) Geometrical considerations for sight distance to avoid a blind corner for safe movement of traffic.*

7. The lands in question are abutting the highways. Reasons qua the requirement of the lands are mentioned in the counter-affidavit and the order of the learned Single Judge. The aforesaid reasoning does not appear to be erroneous.

8. In the light of that, we are not inclined to entertain the present writ appeals and the same are disposed of.

9. At this juncture, learned counsel for the appellants submits that the appellants may be granted liberty to move the authorities concerned.



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10. The requirement of the lands or otherwise is for the authorities to consider. In case the appellants approach the authorities, it is for the authorities to consider whether the request of the appellants can be entertained or not.

There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

19.02.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

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