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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.Nos.13046 & 13049 of 2024
and W.M.P.Nos.14209, 14211, 14213 & 14214 of 2024

D.Parthasarathy

...

Petitioner

[in both W.Ps.]

versus

- 1.Union of India,
Rep. by its Secretary,
Ministry of Road Transport and
Highways Department,
Transport Bhawan,
1, Parliament Street,
New Delhi - 110 001.
- 2.National Highways Authority of India,
Rep. by its Project Director,
In charge of NH 4
No D P 34, Sri Towers, South Phase,
3rd Floor, Guindy,
Chennai - 600 032.
Near Olympia Industrial Estate.
- 3.The District Collector,
Collectorate Chennai,
Rajaji Salai,
Fourth Floor, 62, Beach Road,
George Town, Chennai - 600 001.



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4.The Competent Authority and
Special District Revenue Officer (LA/NH)
No.6/25, Lalbagadur Sastri Street,
Periyakuppam,
Thiruvallur - 602 001.
Near Thulasi Theatre.

5.The Revenue Divisional Officer,
Ambattur Division,
5-73, SH 112, Gandhi Nagar,
Anna Nagar West Extension,
Chennai - 600 040.

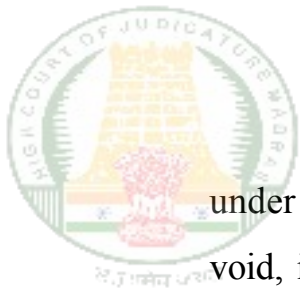
6.Special Tahsildar,
Landtax, Egmore-Nungambakkam Taluk,
Spur Tank Road, M.S. Nagar,
Mukta Gardens,
Chetpet,
Chennai - 600 031.

7.The Tahsildar,
Aminjikarai Taluk,
Bharathipuram Main Road,
Gajalakshmi Colony,
Kathiravan Colony,
Shenoy Nagar,
Chennai - 600 030.

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Respondents
[in both W.Ps]

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the respondents relating to Section 3A notification issued by the first respondent on 14.02.2022 and 19.12.2022 and Section 3D declaration issued by the first respondent on 29.12.2022 and 02.05.2023



under the National Highways Act, 1956 as amended as unconstitutional, void, illegal and arbitrary and to quash the same pertaining to the lands in Old Survey No.194/8, New T.S.No.2 part in Block-5 measuring an extent of 7.2760000 Sq.mtrs and 33.7200000 Sq.mtrs at Poonamallee High Road, Aminjikarai Taluk, Arumbakkam Village, Chennai - 600 106 and direct the respondents to issue a fresh Section 3A notification and Section 3D declaration under the National Highways Act, 1956 as amended by providing just and equitable compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the land and building in Old Survey No.194/8, New T.S.No.2 part in Block- 5 measuring an extent of 7.2760000 Sq.mtrs and 33.7200000 Sq.mtrs at Poonamallee High Road, Aminjikarai Taluk, Arumbakkam Village, Chennai - 600 106, respectively.

For Petitioner [in both W.Ps]	:	Mr.David Tyagaraj
For Respondent No.1 [in both W.Ps]	:	Mr.K.Subbu Ranga Bharathi Central Government Standing Counsel
For Respondent No.2 [in both W.Ps]	:	Mr.Su.Srinivasan Standing Counsel for NHAI
For Respondent Nos.3 to 7 [in both W.Ps]	:	Mr.P.Sathish Additional Government Pleader



COMMON ORDER

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These Writ Petitions are filed to quash the Notification issued under Section 3A and the Declaration issued under Section 3D of the National Highways Act, 1956 and also to direct the respondents to issue a fresh Notification under Section 3A and Declaration under Section 3D of the National Highways Act, 1956, respectively.

2. Heard the learned counsel for the petitioner; learned Central Government Standing Counsel for the first respondent; learned Standing Counsel for the second respondent; learned Additional Government Pleader for the respondents 3 to 7 and perused the materials available on record.

3. Though challenge has been made to the Notification issued under Section 3A of the National Highways Authority of India for the acquisition proceedings, it is the contention of the learned counsel for the petitioner that admittedly the land acquired was 'Grama Natham' and the petitioner is in the possession of the property. Therefore, it is submitted that the petitioner's representations dated 17.03.2023, 15.06.2023 and 30.06.2023 are considered on merits.



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4. It is also brought to the notice of this Court by the learned counsel for the petitioner that National Highways Authority of India has also addressed a communication dated 19.06.2023 in NHAI/11013/2/2022/PIU,Chennai/1135 to the Competent Authority and Special District Revenue Officer (I.A), National Highways, Tiruvallur, for taking necessary action after due verification for payment of compensation. The said communication makes it clear that the petitioner is having possession over the property on the basis of the Thoraya Patta already issued to him.

5. In such view of the matter, let the Competent Authority and Special District Revenue Officer / 4th respondent is directed to consider the representations of the petitioner dated 17.03.2023, 15.06.2023 and 30.06.2023 respectively and pass orders on merits for payment of compensation in accordance with law, within a period of two months from the date of receipt of a copy of this order.



6. With the above direction, these writ petitions are disposed of.

No costs. Consequently, connected Miscellaneous Petitions are closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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To

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