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W.A.No.2495 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

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THE HONOURABLE Mr.JUSTICE **S.M.SUBRAMANIAM**

AND

THE HONOURABLE Mr.JUSTICE **C.KUMARAPPAN**

W.A.No.2495 of 2021
and
CMP.No.16211 of 2021

K.Raju

... Appellant

Vs.

1. The Special District Revenue Officer (LA),
National Highways No.7, 46, 47 & 66,
Krishnagiri.

2. The Project Director,
National Highways Authority of India,
PIU, Salem,
Door No.212-3/D3-1, Sri Nagar Colony,
Narasothipatti, Salem-636 004.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 14.07.2021 made in WP.No.18011 of 2019 and thereby allow the Writ Appeal.



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For Appellant : Mr.S.Praveennath
for Mrs.Vijayalakshmi Rajagopal

For Respondents : Mr.D.Ravichander
State Government Counsel for R1
Mr.Su.Srinivasan for R2

J U D G M E N T

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

The present intra-Court appeal has been instituted challenging the order dated 14.07.2021 passed in WP.No.18011 of 2019. The land belonged to the appellant is sought to be acquired for National Highways Road Expansion project. Acquisition proceedings are initiated under the National Highways Act to acquire vast extent of land for widening NH-7 and a Notification under Section 3(D) of the Act has been issued on 17.11.2006. The appellant is the owner of the land in Survey No.55/3A in Dadagapatti village. The respondents in their counter has stated that so far as the petitioner's land in Survey No.55/3A is concerned, an extent of 1933 Sq.Mts land has been acquired and the same has been sub-divided as 55/3A1. Subsequently, as per the declaration issued under Section 3D (1) of the Act, the entire land has been vested with the Government free from all



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encumbrances. An award enquiry under Section 3-G of the Act was conducted. In the mean time, the Project Director, National Highways Authority by communication dated 16.07.2007 based on the revised land plan schedule requested the Acquisition Officer to exclude the land for an extent of 863 sq.mts. As per the revised land plan schedule, an extent of 1070 sq.mts of the land alone was taken up for award proceedings out of 1933 sq.mts. Accordingly, the award was passed on 30.07.2007, and the compensation for the above extent of 1070 sq. mts of land has been paid and the petitioner has also received the same on 12.08.2008. So far as passing of award for the remaining extent of 863 sq.mts of land, it was kept in abeyance in view of the request made by the Project Director though the land was vested with the Government.

2. The learned counsel appearing on behalf of the appellant would contend that the compensation has not fixed in accordance with the new Land Acquisition Act of the year 2013 and the Survey has not been conducted properly. Therefore, re-evaluation of the building situate in the acquired land is to be made in accordance with the Act and just compensation is to be fixed with reference to the provisions of the new Land



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Acquisition Act of year 2013. The appellants would submit that several representations are submitted to the respondents.

3. Pertinently, the learned Single Judge in the order impugned has stated that the petitioner is entitled to get compensation for the remaining extent of land as per the guideline value/market value of the property as on 02.05.2019, the date on which the impugned award enquiry notice has been issued and the petitioner is also entitled for other consequential benefits as permissible under the Act. When the Writ Court considered the claim of the writ petitioner for grant of compensation by as per the guideline value/market value of the property as on 02.05.2019, there is no necessity for this Court to issue further clarification. The learned Special Government Pleader and the learned Standing Counsel appearing on behalf of the National Highways Authority of India would submit that the compensation has been determined under the provisions of the new Act and it is to be assessed only in respect of the remaining land and to be paid to the land owners. In view of the said submissions, the respondents are directed to complete all the proceedings, pass final award and settle the compensation to the erstwhile owners by following the due process. The said exercise is directed to be



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completed within a period of three(3) months from the date of receipt of a copy of this judgement. The appellant is directed to cooperate and hand over possession of the land to the respondents for the purpose of completing the National Highways Road widening project for the benefit of the public at large.

4. With the above observations, the Writ Appeal is disposed of. No costs. Consequently, connected CMPs are also closed.

[S.M.S., J.] [C.K., J.]
05.06.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No

To

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