



WA No.2133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 19.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE
AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

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KKSK Educational Trust
Represented by its Managing Trustee,
No.23, E.M. Balasubramaniam Street,
Thirunagar Colony,
Erode-638003.

...Appellant

versus

1.The Secretary to Government
Ministry of Road Transport and Highways,
Transport Bhawan,
1, Sansad Marg, Gokul Nagar,
Sansad Marg Area,
New Delhi-110001.

2.The District Collector,
Erode Collectorate,
Erode-638001.

3.The Competent Authority NH-47/
The District Revenue Officer,
Erode Collectorate,
Erode-638001.

4.The Project Manager,

1/5



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National Highway Authority of India,
Project Implementation Unit (NS),
Door No.212/D13-1, Srinagar Colony,
Narasothipatti, Salem-636004.

...Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge in
WP No.434 of 2019 dated 01.08.2023.

For the Appellant :Mr.S.Mukuth
Senior Counsel
for Mr.M.B.Elakkumanan

For the Respondent :Mr.A.Edwin Prabakar
State Government Pleader
for respondents 2 and 3

JUDGMENT

(Made by the Hon'ble Acting Chief Justice)

This Writ Appeal is filed against the order of the learned Single Judge
in WP No.434 of 2019 dated 01.08.2023.

2. Learned Senior Counsel appearing for the appellant drew the
attention of this court by relying upon order of the writ court wherein the
writ court has rejected the claim of the appellant/petitioner on the ground



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that in the absence of any provision to re-convey the land, the claim of the appellant/petitioner cannot be considered. To this, learned Senior Counsel submits that as of now the said land is unutilized. The said land is required only for widening of road in future, which is contrary to the aforesaid scheme framed as the Scheme has already been completed now. Hence, he seeks for re-conveyance of the said land to the appellant/petitioner.

3. The learned Senior Counsel for the appellant has not placed any provision for considering the request of the appellant/petitioner for re-conveyance of the land, particularly after getting compensation of the land by the appellant/petitioner. There is no provision under the National Highways Act, 1956 for re-conveyance of the land and only there is a provision under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for return of land.

4. It is an admitted fact that under the National Highways Act, the



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claim of the appellant is rejected. Hence, the claim of the appellant/petitioner under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, need not be answered. There is no merit in the writ appeal. Hence, the writ appeal stands dismissed. There shall be no order as to costs.

(D.K.K., ACJ.) (P.B.B., J.)
19.08.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

THE HON'BLE ACTING CHIEF JUSTICE
and
P.B. BALAJI, J.



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(mrn)

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