



WEB COPY



W.P.No.23680 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.23680 of 2024

T.Sivapackiam

... Petitioner

VS.

1.The Competent Authority/
District, Revenue Officer (LA),
National Highways 4 & 5,
Tiruvallur.

2.The National Highways Authority of India,
Represented by its Project officer,
Project Implementation unit – M section,
Sri Tower, 3rd Floor,
Extended unit – South Section,
Guindy,
Chennai – 600 032.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents to pay a sum of Rs.1,34,05,012/- (One Crore Thirty-four Lakhs Five thousand and Twelve Rupees) as per the proceedings of the 1st Respondent in Na.Ka.No. 220/2023/NH 4 & 5 dated 19.09.2023 together with the interest payable



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under Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the lands acquired from the Petitioner totally measuring 209 sq. mt., in S.No. 109/1C5B1B and S. No. 111/2A2, situated at Padiyanallur Village, Pooneri Taluk, Tiruvallur District and consequently direct the 1st Respondent to refer the award proceedings to the Arbitrator under Section 3G(5) of the National Highways Act, 1956 for determining the enhanced compensation.

For Petitioner : Mr.M.Sivavarthanan

For R1 : Mr.P.Sathish
Additional Government Pleader

For R2 : Mrs.S.R.Sumathy
Standing Counsel

ORDER

The Writ Petition is filed seeking a direction to the respondents to pay compensation to the lands of the petitioner acquired by the 1st respondent as per the Proceedings of the 1st respondent in Na.Ka.No. 220/2023/NH 4 & 5 dated 19.09.2023.

2. When the writ petition is taken up for hearing, the learned Standing



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Counsel appearing for the 2nd respondent by taking this Court to the averment contained in the counter affidavit of the 2nd respondent, submitted that the proposal to acquire the lands of the petitioner has been dropped and necessary proposals have already been submitted before the Competent Authority for de-notification of the petitioner's lands and other lands situated in 7 Villages. The relevant averment in the counter affidavit reads as follows:-

“8. In view of the above proposal (13.06.2024) for de-notification for the gazette notifications dated 30.10.2012 and 30.09.2013 (already published) towards acquisition of lands in 7 villages of Madhavaram, Kadhirvedu, Thandalkazhani, Puzhal, Grant Lyon, Padianallur and Navarikuppam villages are submitted to the Competent Authority. In this connection there was public opposition for the acquisition of subject lands and the land could not be handed over to the earlier BOT Concessionaire. So the landowners are in possession of the subject lands till date. On the foregoing reasons the Competent Authority has decided to provide augmentation through elevated corridor since the stretch is in urban area and built ups. As a result the subject lands are not required for expansion of NH 5 into 6 lane road since it causes huge expenditure to NHAI. In view of the above reasons, payment of



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compensation as claimed by the petitioner deserves no merit as the entire acquisition proceedings for the 7 villages stands dropped by NHAI in view of its decision to provide augmentation through elevated corridor.”

3. In view of the stand taken by the 2nd respondent that the petitioner's lands are not at all required and de-notification will be issued after approval by the Competent Authority, the Writ Petition is disposed of by recording the said statement made by the 2nd respondent. The 2nd respondent is also directed to expedite process of de-notification. No costs.

24.09.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
dm



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To

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S.SOUNTHAR, J.

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