



WEB COPY



W.P.No.26874 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.26874 of 2024

Mr.A.Mohan

... Petitioner

Vs.

1.Union of India,
Rep by Secretary to Government,
Ministry to Road, Transport and Highway,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.

2.The Project Director,
Project Implementation Unit - Chennai -I,
National Highway Authority of India,,
(Ministry of Road Transport and Highways),
5th Floor, CMRL Building,
Poonamallee High Road,
Koyambedu, Chennai - 600 107.

3.The Special Tahsildar (L.A),
National Highway- 4 and 5,
No.3/4, Lal Bhagthur Sasthri Street,
Periyakuppam,
Tiruvallur - 602 001.

... Respondents



W.P.No.26874 of 2024

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to de-notify the 3D(1) notification in respect of the petitioner's land situated in S.No.90/1A4B Padiyanallur Village, Ponneri Taluk, Tiruvallur District and release the said land from acquisition and handover the possession to the petitioner.

For Petitioner : Mr.R.Muthukumar

For Respondents : Mr.A.Veeramani
CGSC for R1
Mrs.S.R.Sumathy
Standing Counsel for R2
Mr.P.Sathish
Additional Government Pleader
for R3

ORDER

The petitioner herein seeks a direction to de-notify the 3D(1) notification issued in respect of the petitioner's land situated in S.No.90/1A4B Padiyanallur Village, Ponneri Taluk, Tiruvallur District and release the land from the acquisition proceedings.

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



W.P.No.26874 of 2024

Standing Counsel appearing for the second respondent by taking this Court to the averment contained in the counter affidavit filed by the second respondent submitted that the acquired lands are no longer required by the second respondent and hence the draft de-notification is prepared and submitted before the Competent Authority of National High Ways Authority of India for further process. The relevant averment in the affidavit of the second respondent reads as follows:

I humbly submit that, consequently based on the recommendation of Regional Officer, Chennai, NHAI Head Quarters vide its letter dated 20.05.2024 has requested the Chief Engineer (Planning), MoRT&H to take necessary action for publication of gazette notification for de-entrustment of the subject stretch from NHAI. 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 including 6 villages namely, Madhavaram, Thandalkazhani, Puzhal, Grant Lyon, Padianallur and Navarikuppam villages for which draft award passed by CALA for Rs.3,63,55,39,696/- and in respect of Kadhirvedu Village was submitted to the Competent Authority, NHAI for further process. 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. As a result, the landowners are still in physical possession of the lands till date.

3. In view of the definite stand taken by the second respondent that the petitioner's land is no longer required and the process for de-notification is already on, no further orders are necessary in this writ petition. The second respondent is directed to expedite the process of de-notification.

4. With this direction, the writ petition stands disposed of. No costs.

19.10.2024

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



W.P.No.26874 of 2024

WEB COPY

- To
- 1.Union of India,
Rep by Secretary to Government,
Ministry to Road, Transport and Highway,
Transport Bhawan,
No.1, Parliament Street,
New Delhi - 110 001.
 - 2.The Project Director,
Project Implementation Unit - Chennai -I,
National Highway Authority of India,,
(Ministry of Road Transport and Highways),
5th Floor, CMRL Building,
Poonamallee High Road,
Koyambedu, Chennai - 600 107.
 - 3.The Special Tahsildar (L.A),
National Highway- 4 and 5,
No.3/4, Lal Bhagthur Sasthri Street,
Periyakuppam,
Tiruvallur - 602 001.

S.SOUNTHAR, J.

ub



WEB COPY



W.P.No.26874 of 2024

W.P.No.26874 of 2024

19.10.2024