



WEB COPY



W.A.Nos.65 and 63 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.Nos.65 and 63 of 2024

A.Baskar

.. Appellant in
both WAs

Vs

- 1.The Competent Authority cum
Special District Revenue Officer (LA),
National Highways,
No.67, Nagapattinam-Thanjavur Section,
Tiruvarur.
- 2.The District Collector,
Collectorate, Nagapattinam,
Nagapattinam District.
- 3.The Special Tahsildar (LA),
National Highways,
No.67, Nagapattinam-Thanjavur Section,
Tiruvarur.
- 4.The Sub-Inspector of Survey,
National Highways,
No.67, Nagapattinam-Thanjavur Section,
Tiruvarur.



W.A.Nos.65 and 63 of 2024

- 5.The Village Administrative Officer,
69, Sikkal Village,
Nagapattinam Taluk and District.
- 6.The Village Administrative Officer,
62, Themangalam Village,
Nagapattinam Taluk and District.
- 7.National Highways Authority of India,
rep. by its Regional Officer,
Sri Towers, 3rd Floor,
DP-34 (SP) Industrial Estate,
Guindy, Chennai-600 032.
- 8.The General Manager (Tech) and Project Director,
National Highways Authority of India,
PIU – Thanjavur,
No.54, Natarajapuram North Colony,
Medical College Road,
Thanjavur-613 004.

.. Respondents in
both WAs

Prayer: Appeals under Clause 15 of the Letters Patent against the common order dated 4.9.2023 passed in W.M.P.Nos.8250 and 8251 of 2023 in W.P.No.8000 of 2023.

For the Appellant
in both WAs

: Mr.S.Giritharan

For the Respondents
in both WAs

: Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 6

: Mr.Su.Srinivasan
for respondents 7 and 8

COMMON JUDGMENT



W.A.Nos.65 and 63 of 2024

(Delivered by the Hon'ble Chief Justice)

WEB COPY

We have heard Mr.S.Giritharan, learned counsel for the appellant; Mr.P.Muthukumar, learned State Government Pleader for respondents 1 to 6; and, Mr.Su.Srinivasan, learned counsel for respondents 7 and 8.

2. The appellant has filed a writ petition challenging the notification issued under Section 3A(1) of the National Highways Act, 1956 seeking to acquire the land of the appellant comprised in Survey No.22/5A. In the writ petition, the appellant filed two applications – one seeking interim injunction and the other for appointment of an independent surveyor. Both the applications are rejected.

3. Learned counsel for the appellant submits that a major chunk of the appellant's land was acquired in the past acquisition. The said land is not put to use by the respondents and now notification is issued in respect of the left over land of the appellant.



W.A.Nos.65 and 63 of 2024

The left over land of the appellant is the only to an extent of 808 Sq.Mtrs. Learned counsel for the appellant submits that the alignment has been wrongly made by the respondents. The property in question is the only property left with the appellant. The appellant has spent a huge amount and has erected a water plant on the subject land. Learned counsel submits that the writ petition is still pending and at least till the pendency of the writ petition, the respondents be enjoined from taking the possession.

4. The land is required for the highway. The same is a public cause. It has been observed that even award under Section 3G of the Act has been passed in May, 2023. The award does not seem to have been challenged in the writ petition.

5. As far as the alignment is concerned, the same is the job of the experts. The courts cannot substitute its decision over the decision of the experts with regard to the alignment of the highway.

6. The amount is also determined. It is submitted by learned



W.A.Nos.65 and 63 of 2024

State Government Pleader and learned counsel for the National Highways Authority of India that the said amount has been deposited. The appellant can withdraw the said amount at any point of time.

7. The appellant also would have the right to approach the arbitrator for enhancement of compensation. At this stage, it would not be appropriate to pass interim orders.

8. The appellant may request the learned Single Judge to decide the writ petition expeditiously.

The writ appeals are disposed of accordingly. There shall be no order as to costs. Consequently, C.M.P.Nos.383, 381 and 387 of 2024 are closed.

(S.V.G., CJ.)

(D.B.C., J.)

11.01.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi



W.A.Nos.65 and 63 of 2024

To:

WEB COPY

- 1.The Competent Authority cum
Special District Revenue Officer (LA),
National Highways,
No.67, Nagapattinam-Thanjavur Section,
Tiruvarur.
- 2.The District Collector,
Collectorate, Nagapattinam,
Nagapattinam District.
- 3.The Special Tahsildar (LA),
National Highways,
No.67, Nagapattinam-Thanjavur Section,
Tiruvarur.
- 4.The Sub-Inspector of Survey,
National Highways,
No.67, Nagapattinam-Thanjavur Section,
Tiruvarur.
- 5.The Village Administrative Officer,
69, Sikkal Village,
Nagapattinam Taluk and District.
- 6.The Village Administrative Officer,
62, Themangalam Village,
Nagapattinam Taluk and District.
- 7.The Regional Officer,
National Highways Authority of India,
Sri Towers, 3rd Floor, DP-34 (SP) Industrial Estate,
Guindy, Chennai-600 032.
- 8.The General Manager (Tech) and Project Director,
National Highways Authority of India,
PIU – Thanjavur,
No.54, Natarajapuram North Colony,
Medical College Road, Thanjavur-613 004.



WEB COPY



W.A.Nos.65 and 63 of 2024

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

(sasi)

W.A.Nos.65 and 63 of 2024

11.01.2024