



W.P.No.36000 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.36000 of 2023

and

W.M.P.Nos.35984 & 35985 of 2023

U.Saviraj

... Petitioner

Vs.

1. Union of India,
Rep. By its Secretary,
Ministry of Road Transport and Highways,
New Delhi.
2. The District Collector,
Kancheepuram District,
Kancheepuram.
3. The Competent Authority and
Special District Revenue Officer (LA),
National Highways,
Mamallapuram Puducherry Corridor,
Varadharajan Street,
Vedachalam Nagar,
Chengalpattu.
4. The Special Tahsildar,
Mamallapuram Puducherry Corridor,
Varadharajan Street, Vedachalam Nagar,
Chengalpattu.
5. The Regional Officer,



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National Highways Authority of India,
P.I.U Chennai, Sri Tower, 3rd Floor,
Developed Plots-34, Industrial Estate,
Guindy, Chennai – 600 032.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in pursuance of the Notification issued by the first respondent in respect of the petitioner's lands under Section 3(A) of the National Highways Act, 1956 as amended by National Highways Laws Amendment Act, 1997 made in S.O.530 E dated 29.01.2019 in respect of Survey Nos.281/7B measuring to an extent of 18 cents (out of 28 cents) and the Declaration under Sub Section (1) of Section 3 D in S.O.761(E) dated 05.02.2019 in respect of Survey Nos.281/7B measuring to an extent of 18 cents (out of 28 cents) and Declaration under Sub Section (1) of Section 3D in SO.2864(E) dated A 29.07.2019, in respect of Survey Nos.281/7B measuring to an extent of 18 cents (out of 28 cents) Mugaiyur Village, Cheyyur Taluk, Chengalpattu District and quash the same.

For Petitioner : Mr.M.Rajasekar

For R1 : Dr.G.Babu
Central Government Senior Panel Counsel

For R2 to R4 : Mr.R.Vigneshwaran
Government Advocate

For R5 : Mrs.S.R.Sumathy
SC for NHAI

ORDER



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This Writ Petition has been filed to issue a Writ of Certiorari, calling for the records in pursuance of the Notification issued by the first respondent in respect of the petitioner's lands under Section 3(A) of the National Highways Act, 1956 as amended by National Highways Laws Amendment Act, 1997 made in S.O.530 E dated 29.01.2019 in respect of Survey Nos.281/7B measuring to an extent of 18 cents (out of 28 cents) and the Declaration under Sub Section (1) of Section 3 D in S.O.761(E) dated 05.02.2019 in respect of Survey Nos.281/7B measuring to an extent of 18 cents (out of 28 cents) and Declaration under Sub Section (1) of Section 3D in SO.2864(E) dated A 29.07.2019, in respect of Survey Nos.281/7B measuring to an extent of 18 cents (out of 28 cents) Mugaiyur Village, Cheyyur Taluk, Chengalpattu District and quash the same.

2. Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents 2 to 4, learned Senior Counsel appearing for the first respondent and the learned Standing Counsel appearing for the fifth respondent.



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3. It is submitted by the learned counsel for the petitioner that though the petitioners' land measuring to an extent of 18 cents was acquired by the National Highways Authorities, award amount was paid only to the extent of 11.9 cents. The grievance of the petitioner is that award was not passed for the remaining extent of land. Hence he filed the present writ petition.

4. Learned Counsel appearing for the respondents filed the counter stating that Notification under Section 3-A(1) of the National Highways Act was issued on 06.06.2018 and Declaration under section 3D(1) of the Act was issued on 06.02.2019. Compensation amount of Rs.66,24,023/- was ordered to be credited to the account of the petitioner on 08.03.2023 and the award amount was disbursed to the petitioner on 08.03.2023 itself. Hence the land acquisition proceeding has reached finality.

5. Since the petitioner has received the award amount prior to



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filing of this writ petition, he cannot challenge the same in entirety. The Writ Petition is dismissed. However the petitioner is at liberty to workout his remedy in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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