



W.P.No.35924 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.35924 of 2023

and

W.M.P.Nos.35927 & 35928 of 2023

Revathy

... 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 1st respondent in respect of the petitioners lands under Section 3(A) of the National Highways Act 1956, as amended by National Highways Laws Amendment Act 1997 made in the Declaration under Section 3 D in S.O. 761 (E) dated 05.02.2019 in respect of in respect Old Survey No. 640/3B1 New Survey No. 640/3B1B measuring an extent of 40 cents Mugaiyur village, Cheyyur Taluk Chengalpattu District and to quash the same.

For Petitioner : Mr.M.Rajasekhar

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

For R2 to R4 : Mr.T.Arunkumar
Additional Government Pleader

For R5 : Mrs.S.R.Sumathy, SC for NHA



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ORDER

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records, in pursuance of the Notification issued by the first respondent in respect of the petitioners lands under Section 3(A) of the National Highways Act 1956, as amended by National Highways Laws Amendment Act 1997 made in the Declaration under Section 3 D in S.O. 761 (E) dated 05.02.2019 in respect of Old Survey No. 640/3B1, New Survey No. 640/3B1B measuring an extent of 40 cents Mugaiyur village, Cheyyur Taluk, Chengalpattu District and to quash the same.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader and learned Central Government Senior Panel Counsel appearing for the respondents and perused the materials available on record.

3. This Court, vide order dated 06.02.2024, directed the respondents to produce the Award passed in the earlier acquisition proceedings dated 10.09.1993 under Section 6 of the Land Acquisition



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Act, 1894. Today, when the matter is taken up for hearing, the learned Standing Counsel appearing for the first respondent produced the copy of the Award and also the proceedings of the land acquisition. It reveals that the notification was issued in the name of the petitioner's vendor, who is the original land owner of the subject property and subsequently, Award has also been passed. It is submitted by the learned Standing Counsel appearing for the first respondent that some of the land owners have earlier challenged the Award passed by the respondents before this Court and this Court also dismissed the writ petition by confirming the notification issued by the respondents. Once enquiry has been completed and Award has also been passed on 14.09.1995, the acquisition proceedings attained finality. Further, it is stated that the respondents have earmarked the acquired land for the purpose of widening the ECR road. The land is now vested with the Government and Award amount has also been deposited in the account of the Revenue Divisional Officer, Madhuranthagam. It is stated that the petitioner is the subsequent purchaser and he is in no way connected with the acquisition proceedings.



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4. In view of the above facts and circumstances, the petitioner is not entitled to get the relief as sought for in this writ petition. Hence, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

28.02.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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