



WA(MD). No.640 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 19/06/2024

CORAM

**Justice N.SESHASAYEE
and
Justice L.VICTORIA GOWRI**

**WA(MD). No.640 of 2019 and
WMP(MD) No.5347 of 2019**

1.M.Soosaivanakkam
2.Christy Vanakkam

... Appellants/
Petitiones

Vs

1.State of Tamilnadu
Rep. by the District Collector
Tiruchirappalli District
Trichy

2.The Special District Revenue Officer,
Land Acquisition, National Highways No.45
District Collector's Office,
(Old Building Office Compound)
Tiruchirappalli 620 001.

3.The Special Tahsildar
Land Acquisition
National Highways No.45
Tiruchirappalli 620 001.



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4.The Project Director
National Highways Authority of India
O/o.The Project Director
PIU, New No.6, Old No.44, 1st Floor,
III Main Road, Pon Nagar,
Tiruchirappalli 620 001

5.The Chief Engineer
National Highways
(Building Development Works)
87/4 Shanmugam Iyer Road
Thillai Nagar
Tiruchirappalli 7

... Respondents/
Respondents

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 26.11.2018 in WP(MD) No.23430 of 2018.

For Appellant : M/s.T.Amalraj
For Respondents : Mr.V.NirmalKumar for R1 to R3
Government Advocate
Dr.R.Rajagopal for R4
R5 given up

JUDGMENT

(Judgment of the Court was delivered by N.SESHASAYEE, J.)

The petitioner's land in S.Nos.324-3B and 324-4 of Konalai Village, Manachanallur Taluk, Trichy District was acquired under the provisions of the National Highways Act, 1956 sometime in 2007. The entire acquisition was completed and the compensation amount has been finalized. He has filed the writ petition to direct the National Highways



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Authority to return his unutilized land in terms of Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act').

2. The learned Single Judge has taken a view that inasmuch as the land was acquired under the National Highways Act, there is no provision in the said Act for return of the unutilized land and proceeded to dismiss the writ petition. The learned Single Judge had also slapped a cost of Rs.1,000/-, since he felt that the affidavit filed in support of the writ petition was not satisfactorily prepared. This order of the learned Single Judge is now under challenge.

3. There is no representation for the appellant. Heard the learned counsel for the respondents.

4. This Court is in absolutely line with the reasoning of the learned Single Judge. To this, this Court intend to add that Section 105 read with Schedule IV to the Act, which exempts the National Highways Act from



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the purview of the Right to Fair Compensation Act. Thus, even though Section 101 of the Act provides for return of unutilized land, in view of Section 105 read with Schedule IV of the Act culls out an exemption to National Highways Act. Hence Section 101 cannot be stretched or telescoped into the present acquisition.

5. Accordingly, the writ appeal stands dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

(N.S.S.,J.) (L.V.G.,J.)
19.06.2024

NCC : Yes/No
Index : Yes/No
RR



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N.SESHASAYEE, J.
and
L.VICTORIA GOWRI, J.

RR

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