



Cont.P.(MD) No.2515 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.12.2024

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Cont.P.(MD) No.2515 of 2024

in

W.P.(MD)No.21224 of 2023

1. Nabeesha @ Ayisha Siddika
2. Mohammed Ismail

... Petitioners

versus

1. Mr.Pradeep Kumar, I.A.S.,
The District Collector,
District Collector's Office,
Trichy – 1,
Trichy District.
2. Mrs.S.Janaki,
The Special District Revenue Officer
cum Authorized Officer,
National Highways (Land Acquisition),
2nd Floor, District Collector Office,
Old Building, Trichy -1,
Trichy District.
3. Mr.K.Arul,
The Special Revenue Divisional Officer
cum Authorized Officer,
National Highways (Land Acquisition),



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2nd Floor, District Collector Office,
Old Building, Trichy – 1,
Trichy District.

4. Mr.R.Santhakumar,
The Special Tahsildar,
National Highways (Land Acquisition),
District Collector Office,
Old Building,
Trichy – 1,
Trichy District.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the Contemnors/respondents for their willful disobedience of the order made in W.P.(MD)No.21224 of 2023 dated 12.09.2023.

For Petitioners : Mr.R.Sundar

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by
Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioners have filed this Contempt Petition complaining that the order of this Court dated 12.09.2023 passed in W.P.(MD)No.21224 of 2023 has not been complied with.



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2. This Court, by order dated 12.09.2023, has disposed of the writ petition, with a direction to pay compensation to the petitioners for the lands alleged to have been acquired from them.

3. In the Contempt Petition, the learned Additional Advocate General clarified that the petitioners' lands have not been acquired by the Government and therefore, the question of payment of compensation would not arise.

4. Though Notifications under Sections 3A(1) and 3D of the National Highways Act have been issued, now, it is stated by the respondents that the petitioners' lands have not been acquired by passing an award. Since the land acquisition proceedings has not been culminated with an award, the land acquisition proceedings itself has been lapsed and therefore, the question of payment of compensation does not arise. However, it has not been properly appreciated by the respondents, while disposing of the writ petition.



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5. In view of the stand taken by the respondents in this Contempt Petition that the petitioners' lands have not been acquired by passing an award, this Contempt Petition is closed.

6. At this juncture, the learned Additional Government Advocate submits that in fact, the lands are required for expansion of National Highways and they are intending to acquire the same. The learned Additional Advocate General further submits that the order passed in this Contempt Petition shall not be a bar for initiating the subsequent land acquisition proceedings and the Government is entitled to acquire lands, if they are required for expansion of National Highways.

7. It is made clear that the order passed in this Contempt Petition cannot be a bar for the authorities to proceed with fresh acquisition, as per the National Highways Act 2013.

8. However, considering the manner in which the petitioners have been deprived from using their properties by issuing a Notification under Section 3A(1) of the National Highways Act and making them to believe that their lands have been acquired, this Court is of the view that the



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Government has to pay a compensation of Rs.13 lakhs each. However, considering the pursuation made by the learned Additional Advocate General, the compensation payable to the petitioners is restricted to Rs.2,00,000/- each.

20.12.2024

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

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