



W.P.No.4043 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.4043 of 2025

M.P.Vasudevan

.. Petitioner

VS

1. Union of India represented by the Secretary
to the Government of India
Ministry of Road Transport & Highways
Transport Bhavan, No.1, Parliament Street
New Delhi – 110 001.
2. The Chairman
National Highways Authority of India
G5 & G6, Sector-10, Dwaraka
New Delhi – 110 075.
3. The Regional Officer, NHAI, "Sri Tower"
3rd Floor, DP-34, (SP)
Industrial Estate, Guindy
Chennai – 600 032.
4. The Project Director
Project Implementation Unit, "Sri Tower"
3rd Floor, DP-34, (SP), Industrial Estate
Guindy, Chennai – 600 032.

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5. The Arbitrator / District Collector
Collector's Office
Thiruvallur, Tamil Nadu.

6. The Competent Authority &
Special District Revenue Officer
National Highways – 205, Thiruvallur District
Thiruvallur, Tamil Nadu.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking a writ of mandamus, directing the respondents 1 to 6 herein to pay solatium amount at 30 percentage as per Section 23(2) of the Land Acquisition Act, 1894 and an additional amount at 12 percentage per annum as per section 23(1-A) from the date of Notification to the date of Arbitral Award at Rs. 11,296/- per Square Meter along with interest @9 percentage for one year from the date of possession and thereafter at 15percentage per annum till the date of actual payment as per section 28 of the said Act, 1894, in respect of the Petitioners land an extent of 7511 Sq. Meters in Sy.Nos.30/1B, 30/5B2, 31/2B, 45/2C2 and 52/5B of Kakkalur Village, Thiruvallur District acquired for the purpose of constructing the Chennai Bypass in compliance with the judgement of Honble Supreme Court of India ordered in case Union of India-vs-Tarsem Singh.

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For Petitioner

: Mrs.A.L.Ganthimathi
Senior Counsel
for Mr.L.Palani Muthu

For Respondents

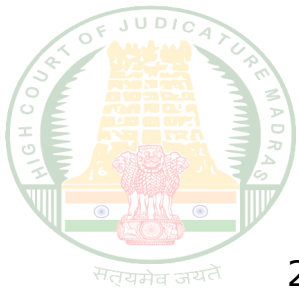
: Mr.R.Rajesh Vivekananthan
Deputy Solicitor General of India
for R1

Mr.Su.Srinivasan
for R2 to R4

Mr.P.Sathish
Additional Government Pleader
for R5 & R6

ORDER

This writ petition has been filed to issue a writ of mandamus, directing the respondents to pay solatium at 30% as per Section 23(2) of the Land Acquisition Act, 1894, and additional amount at 12% per annum as per Section 23(1-A) from the date of notification to the date of arbitral award and thereafter, at 15% per annum till the date of actual payment as per Section 28 of the Act with respect to the subject property.



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2. Heard *Mrs.A.L.Ganthimathi*, learned Senior Counsel appearing for *Mr.L.Palani Muthu*, learned counsel for the petitioner, *Mr.R.Rajesh Vivekananthan*, learned Deputy Solicitor General of India for respondent 1, *Mr.Su.Srinivasan*, learned counsel for respondents 2 to 4 and *Mr.P.Sathish*, learned Additional Government Pleader for respondents 5 to 6.

3. The issue that is involved in the present writ petition is squarely covered by the earlier orders passed by this Court by relying upon the judgment of the Apex Court in the case of ***Union of India & Anr. vs. Tarsem Singh & Ors.***, reported in ***(2019) 9 SCC 304***. This issue has once again gone before the Apex Court and by order dated 04.02.2025, made in ***Union of India & Anr. vs. Tarsem Singh & Ors.***, the Apex Court has clarified the position and for proper appreciation, the relevant portion in the order is extracted hereunder:



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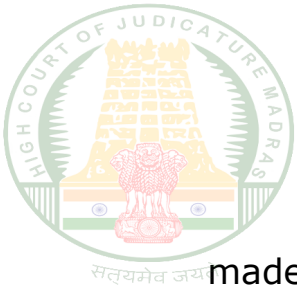
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"25. In view of the foregoing analysis, we find no merit in the contentions raised by the Applicant, NHAII. We reaffirm the principles established in Tarsem Singh (supra) regarding the beneficial nature of granting 'solatium' and 'interest' while emphasising the need to avoid creating unjust classifications lacking intelligible differentia. Consequently, we deem it appropriate to dismiss the present Miscellaneous Application.

26. Leave is granted in the other connected matters, and all the appeals are disposed of with a direction to the Competent Authority to calculate the amount of 'solatium' and 'interest' in accordance with the directions issued in Tarsem Singh (supra). In this context, the appeal arising out of SLP (C) Diary No. 52538/2023 is dismissed, as the challenge therein pertains to the High Court's refusal to award Additional Market Value as another component of the compensation, while 'solatium' and 'interest' have already been granted."

4. In light of the above developments, the law as declared by the Apex Court in **Tarsem Singh** case, will apply to the present case and in view of the same, the relief as sought by the petitioner has to be granted by this Court.

5. In the result, this writ petition is disposed of with a direction to the sixth respondent to deal with the representation



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made by the petitioner dated 25.01.2023 in line with the judgment of the Apex Court in **Tarsem Singh** case (referred *supra*) and the entire amount shall be settled in favour of the petitioner within a period of eight weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

10.02.2025

Speaking Order/Non-Speaking Order.

Internet : Yes/No.

Index: Yes/No.

Neutral Citation: Yes/No

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To

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Ministry of Road Transport & Highways
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N.ANAND VENKATESH, J.

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