



WP.No.33707 of 2007

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In the High Court of Judicature at Madras

Dated : 10.2.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.33707 of 2007

Mrs.Jeeva Paulraj

...Petitioner

Vs

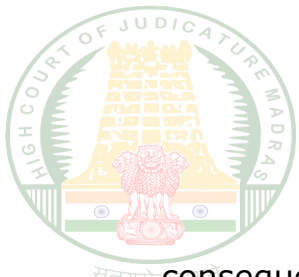
1.The Union of India, rep.by
its Secretary, Ministry of
Law, New Delhi.

2.The National Highways Authority
of India, rep.by its Project
Director, 8th Floor, SPIC House,
88, Anna Salai, Guindy,
Chennai-32.

3.The Special District Revenue
Officer & Competent Authority,
Land Acquisition (National
Highways), Kanchipueram &
Tiruvallur Districts. Kanchipuram.

...Respondents

PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Declaration declaring that Section 3-J of the National Highways Act 1956 as amended by Act 16 of 1997 debarring the provision of the Land Acquisition Act, 1894 is illegal, discriminative and is violative of Article 14 of The Constitution of India and is unconstitutional in so far as the petitioner is concerned and



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consequently direct the third respondent to revise the award dated 10.11.2006 passed by the third respondent in R.C.No.135/2006/A/TVR in the matter of determining compensation payable to the petitioner by adding solatium amount and the additional compensation.

For Petitioner : Mr.N.R.Anantha Ramakrishnan
For Respondents : Mr.P.Sathish, AGP

ORDER

This writ petition has been filed seeking to declare Section 3-J of the National Highways Act 1956 as amended by Act 16 of 1997 debarring the provision of the Land Acquisition Act, 1894 as illegal, discriminative, violative of Article 14 of The Constitution of India and unconstitutional in so far as the petitioner is concerned and consequently direct the third respondent to revise the award dated 10.11.2006 passed by the third respondent in R.C.No.135/2006/A/TVR in the matter of determining compensation payable to the petitioner by adding solatium amount and the additional compensation.

2. Heard both.

3. The issue involved in this case is squarely covered by a



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judgment of the Apex Court in the case of **Government of India Vs. Tarsem Singh [reported in 2019 (9) SCC 304]**. Ultimately, a clarification was sought for by the Union of India and the same was also negated by the Apex Court by order dated **04.2.2025** in **M.A. No.1773 of 2021 in Civil Appeal No.7064 of 2019**.

4. In the light of the above, this writ petition is allowed as prayed for. No costs.

10.2.2025

To

- 1.The Union of India, rep.by its Secretary, Ministry of Law, New Delhi.
- 2.The National Highways Authority of India, rep.by its Project Director, 8th Floor, SPIC House, 88, Anna Salai, Guindy, Chennai-32.
- 3.The Special District Revenue Officer & Competent Authority, Land Acquisition (National Highways), Kanchipueram & Tiruvallur Districts. Kanchipuram.

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