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W.P.No.3814 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2025

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.3814 of 2019
and
W.M.P.No.4235 of 2019

P.Kandasamy

Vs

.... Petitioner

1.Union of India,
Rep. by Secretary to Government,
Ministry of Shipping,
Road Transport and Highways,
Transport Bhavan,
1, Parliamentary Street,
New Delhi – 110 001.

2.The Competent Authority and
Special District Revenue Officer (LA) (NH.68)
Salem District In-charge
Villupuram, Villupuram District.

3.The Project Director,
N.H.A.I. NH.68,
221, Sri Nagar Colony,
Narasothipatty, Salem,
Salem Town & Taluk.

4.The Regional Officer,
N.H.A.I, Shri Tower, III Floor, D.P.34 (SP)
Industrial Estate,
Guindy, Chennai – 600 032.

.... Respondents



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Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, calling for the records/proceedings of the 2nd and 3rd respondents culminating in his Na.Ka.239/2009 (N.H.68) dated 26.09.2017 and Letter NHAI/PIU-SLM/NH.68/2017-837 Dated 05.09.2017 respectively and quash the same ad to direct the 2nd and 3rd respondents to pay the additional market value under Sec. 23(1) (a), solatium under Sec. 23(2) and interest under Sec.28 of the Land Acquisition Act, 1894 to the petitioner herein (about Rs.983645/-) together with accrued interest, etc. within a reasonable period that may be stipulated by this Hon'ble High Court.

For Petitioner	: Mr.B.Singaravelu for Mr.P.P.Shanmugasundarm
For R1	: Mr.S.Diwakar Special Panel Counsel
For R2	: Mr.T.Arun Kumar Additional Government Pleader
For R3 & R4	: Mr.Su.Srinivasan

ORDER

This Writ Petition has been filed challenging the order passed by the second and third respondents, thereby rejecting the claim of the petitioner under Sections 23(1)(a), 23(2) and 28 of the Land Acquisition Act.

2.Heard the learned counsel appearing on either side and perused the materials available on record.



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3.The petitioner's land was acquired for the formation of NH-68 road, which runs between Salem and Ulundurpet, under the provisions of the National Highways Act, 1956. Pursuant to the acquisition, an award was passed on 18.07.2009. However, the petitioner was not paid the additional market value at the rate of 12%, solatium at the the rate of 30% and interest at the rate of 15%. Consequently, some of the land owners challenged the validity of Section 3J of the National Highways Act, as amended by Central Act 16 of 1967, before various High Courts. This Court, while upholding other provisions of the Act, declared Section 3J of the National Highways Act as unconstitutional, being violative of Article 14 of the Constitution of India. In the light of the said decision, the petitioner submitted representation seeking payment of additional market value, solatium and interest. However, the said representation was rejected by the second and third respondents.

4.The learned counsel for the respondents vehemently contended that, insofar as the claim for interest is concerned, the petitioner is not entitled to interest from the date of the award. According to him, the petitioner is entitled to interest only from the date of filing of



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the writ petition. He further submitted that this issue had already been dealt with by the Hon'ble Division Bench of the Punjab and Haryana High Court, wherein it was held that the claimants are not entitled to interest for the period of delay in approaching the Court and that interest shall be payable only from the date of the award by the competent authority till the date of filing of the writ petitions. He also submitted that this issue has already been considered by this Court, which has consistently held that the interest is payable only from the date of award. Therefore, the submissions made by the petitioner cannot be countenanced.

5.The issues raised herein have already been settled by the Hon'ble Supreme Court of India in the case of ***Union of India and another Vs. Tarseem Singh and others*** reported in ***(2019) 9 SCC 304***, wherein, it was held that all the land owners are entitled to additional market value under Section 23(1A), solatium under Section 23(2) and interest under Section 28 of the Land Acquisition Act. Based on the said Judgment, several writ petitions were allowed by this Court granting similar relief. However, subsequently, the National Highways Authorities of India filed a clarification petition before the Hon'ble Supreme Court of



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India in the very same case. The Hon'ble Supreme Court of India clarified that the Judgment dated 19.09.2019 in Paragraph No.41, the Hon'ble Supreme Court of India included Section 23(1A) as well, when Section 23(1A) was not present before any authority or the Court. Therefore, the Hon'ble Supreme Court of India ordered deletion of the expression “(1A)” by an order dated 30.07.2021. Therefore, the petitioners are not entitled to any relief under Section 23(1A). However, the petitioners are entitled to the benefits under Section 23(2) of the Land Acquisition Act, along with interest as applicable in accordance with law.

6.In view of the above, the orders passed by the second and third respondents cannot be sustained insofar as it relates to the rejection of the petitioner's claim. Accordingly, the orders passed by the second and third respondents are hereby set aside with respect to the denial of solatium under Section 23(2) and interest under Section 28 of the Land Acquisition Act. The second and third respondents are directed to pay solatium at the rate of 30% for the land acquired from the petitioner, together with the applicable interest, within a period of eight weeks from the date of receipt of a copy of this order.



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7. In the result, this Writ Petition is allowed. Consequently,

connected miscellaneous petition is closed. No costs.

16.09.2025

Internet : Yes

Index : Yes/No

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To

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Special District Revenue Officer (LA) (NH.68)
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