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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.3537 of 2019
and WMP No.3847 of 2019

1.N.Murugesan

2.M.Sathesh

.... Petitioners

-Vs-

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&46&47)
Salem-Krishnagiri Districts
Krishnagiri.

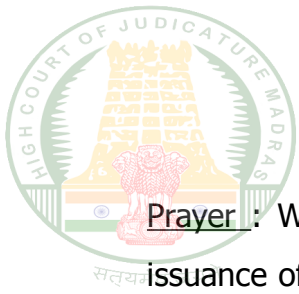
3.The Project Director, NHAI, NH.7, 47&68

221-Sri Nagar Colony
Narasothipatty, Salem.

4.The Regional Officer, NHAI, Shri Tower

III Floor, D.O.34(SP), Industrial Estate
Guindy, Chennai 600 032.

.. Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records/ proceedings of the 2nd respondent culminating in his Memo-ROC 645 / 2017 (B1) dated 20.9.2017 quash the same and to direct the 2nd respondent 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 petitioners herein (about Rs.333405/-)together with accrued interest, etc, within a reasonable period that may be stipulated by this Court,

For Petitioners : Mr.B.Singaravelu

For Respondents : Mr.R.S.Jeyaganesha
for R1

Mr.M.R.Gokul Krishnan
Additional Government Pleader
for R2

Mr.Su.Srinivasan
Standing Counsel
for R3 & R4

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 20.09.2017 and for a consequential direction to the 2nd respondent to pay the additional market value, solatium and interest to the petitioners together with interest etc, within the time frame fixed by this Court.

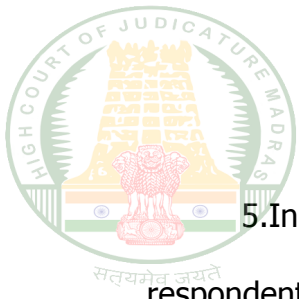


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2.The learned counsel for the petitioners submitted that the issue involved in the present writ petition is covered by the earlier order passed by the learned Single Judge of this Court in a batch of writ petitions in WP.Nos.2989 of 2019 et., dated 14.10.2022.

3.The learned Standing Counsel appearing on behalf of the National Highways Authority of India submitted that as against the order passed by the learned single Judge, appeals have been filed and the same is pending. The learned Standing Counsel further submitted that the petitioners will not be entitled for the payment of interest for the period of delay in approaching this Court. To substantiate the same, the learned Standing Counsel relied upon the judgment of the Apex Court in **Executive Engineer, Nimna Dudhna Project .Vs. State of Maharashtra and Others** reported in **2020 3 SCC 255**.

4.In the considered view of this Court, if already an order has been passed in the batch of writ petitions and the relief has been granted, just because an appeal is pending, the same relief cannot be denied to the petitioners. In view of the same, this Court is inclined to follow the earlier order passed by the learned Single Judge of this Court in a batch of writ petitions in WP.Nos.2989 of 2019 et., dated 14.10.2022.



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5. In the light of the above discussion, there shall be a direction to the 2nd respondent to pay the benefits under Sections 23(1A), 23(2) and the proviso to Section 28 of Land Acquisition Act, to the petitioners by extending the benefit which was granted by the Hon'ble Apex Court in the case of *Union of India and another .Vs. Tarseem Singh and Others* reported in (2019) 9 SCC 304, within a period of twelve weeks from the date of receipt of copy of the order.

6. In the result, this writ petition is disposed of in the above directions. No costs. Consequently, connected miscellaneous petition is closed.

24.03.2025

Index : Yes/No
NCS : Yes/No
KP



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N.ANAND VENKATESH, J.

KP

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