



Writ Petition No.4838 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED 23.04.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Writ Petition No.4838 of 2023

J.Kumaravel

Petitioner

Vs

1. The District Collector
District Collector Office,
Coimbatore-641 018.

2.The Sub Collector
Sub Collector Office,
Pollachi-642 002.

3.The Chief Engineer,
National Highways,
HRS Campus, 76, Sardar Patel Road,
Little Mount, Guindy, Chennai,
Tamil Nadu-600 025.

4.The Superintending Engineer
National Highways, Service Road,
Swarnapuri Annexe,
Jagir Ammapalayam Salem,
Tamil Nadu 636 302.

5.The Divisional Engineer



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National Highways, Park Gate Road,
ATT Colony, Gopalapuram,
Coimbatore-641 018.

6.The Panchayat
Achipatti, No.17, Siva Nivas,
Guruvayoor Appan Nagar, Annamalai
Nagar, A.Sangamapalayam,
Pollachi-642 002.

Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein to direct the respondents 3 to 5 determine the amount payable as compensation under section 3G of the National Highways Act, 1956 for acquiring my land measuring about 0.6359 cents in S.F.No.109 and 2.7613 cents in S.F.No.110/3 and consequently pay such compensation to me.

For Petitioner : Ms.S.Akila

For Respondents : Mr.M.R.Gokulkrishnan
Additional Government Pleader
[R1 & R2]
Mr.SU.Srinivasan,
Standing Counsel [R3 to R5]

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus directing the respondents to act upon the representation made by the



petitioner wherein the petitioner is seeking for payment of compensation for the lands, which were taken over by the National Highways Authority of India without initiating proper acquisition proceedings.

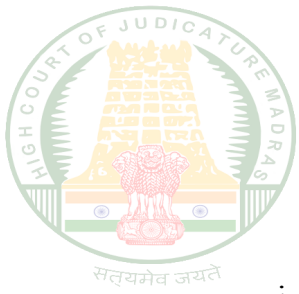
2. When the matter was taken up for hearing today, learned Additional Government Pleader produced the written instructions received from the Divisional Engineer of National Highways. The relevant portions are extracted hereunder:

"I submit that the work of "Elimination of Black Spot ID TN-02-013 for providing junction improvements at Km 121/000 – 122/200 of NH-209 (New NH-83)" was executed under Road Safety scheme 2019-2020 and the work was completed on 30.12.2020 and the work of shifting EB utilities was completed on 08.03.2021.

I submit that while the above work was being executed, in order to improve the road safety standards in that location, the petitioner's land to a little extent was necessarily required for the project. As the project was under progress, after discussing with the petitioner about the necessity of the project, the petitioner has orally agreed to provide land for the above project.

However, the claim of the petitioner in W.P.No.4838 of 2023 that he has only agreed to provide the Highways Department 0.25 cents of the land is not true but the fact is that the petitioner had orally agreed to provide the actual required land for the project.

I further submit that the execution of the above work was executed in 2020, by then the petitioner did not raise any objection to the project. It is imperative to note that the project was executed with the knowledge of the petitioner only.



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I Submit that at present the project highway is under the jurisdiction of National Highways Authority of India, Dindigul the exact land of the petitioner is which the highway passes through can only be ascertained only after joint inspection with Revenue Department.

I submit that with respect to the petitioner claim that the 7 No. of trees were removed illegally without permission is not true and I further submit that 22 No's of trees which were hindrance to the above project were removed only after obtaining necessary permission from the Tahsildar, Pollachi letter dated.20.07.2020 and 03.08.2020. (Copy of letter enclosed).

I further submit that the Shifting of EB Utilities which were hindrance to the above project were carried out as per the estimates prepared and submitted by the TANGEDCO and under the supervision of TANGEDCO officials. (Copy of Completion Certificate of EB shifting is enclosed).

I further submit during the execution of the above work, the removal of trees and shifting of EB utilities were carried out in 2020-2021 but by then the petitioner did not raise any objection. It is imperative to note that the shifting works were carried out with the knowledge of the petitioner only.

I Submit that the since the land in dispute is adjacent to the National Highway 83(Old NH 209) which is presently under the jurisdiction of National Highways Authority of India, joint inspection along with revenue department officials has to be conducted for ascertaining the exact area of land acquired for the above project."

3. Heard Ms.S.Akila, learned counsel for petitioner, Mr.M.R.Gokulkrishnan, learned Additional Government Pleader appearing for respondents 1 and 2 and Mr.SU.Srinivasan, learned Standing Counsel appearing for respondents 3 to 5.



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4. It is quite evident from the written instructions given by the Divisional Engineer that the lands belonging to the petitioner has been utilized by the National Highways Authority of India. Hence, the petitioner is entitled for payment of compensation. There shall be a direction to the fourth respondent to pass orders after affording opportunity to the petitioner and fix the compensation payable to the petitioner and it shall be paid to the petitioner within a period of twelve (12) weeks from the date of receipt of a copy of this order.

This writ petition is disposed of with the above direction. No costs.

23.04.2025

Neutral citation : Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order
gm



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N. ANAND VENKATESH, J.

gm

To

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