



WP.No.2423 of 2012

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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.2423 of 2012

1.K.Mahendran
2.K.Jayachandran
3.K.Sivachandran
4.K.Jayammal

...Petitioners

Vs

1.The Government of India, rep.
by the Secretary to Government,
National Highways Department,
New Delhi.

2.The Government of India, rep.
by the Secretary to Government,
Law Department, New Delhi.

3.The National Highways Authority
of India, rep.by its Project Director,
Guindy, Chennai-32.

4.The Special District Revenue
Officer (LA) & Competent
Authority (NH-205),
Thiruvallore.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Declaration declaring Section 3(J) of the
National Highways Act, 1956 and Award No.15/2010 bearing Rc.No.
34/2010/Unit-IV dated 22.8.2011 of the 4th respondent herein in so



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far as it relates to the petitioners' lands in Survey Nos.235/1-B, 235/2-B, 236/1-B, 236/2-B, 236/3-B, 236/4-B and 237/2-B and Survey No. 106/2 of Ayuthur Village, Thiruvellore District as illegal, ultra vires and unconstitutional.

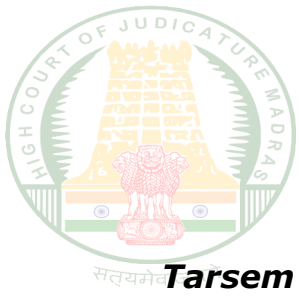
For Petitioners : Mr.C.T.Murugappan
For R1 & R2 : Served & No appearance
For R3 : Ms.S.R.Sumathy, Standing Counsel
For R4 : Mr.A.Selvendran, SGP

ORDER

This writ petition has been filed seeking to declare Section 3(J) of the National Highways Act, 1956 and Award No.15/2010 bearing Rc.No.34/2010/Unit-IV dated 22.8.2011 passed by the 4th respondent in so far as it relates to the petitioners' lands are concerned in Survey Nos.235/1-B, 235/2-B, 236/1-B, 236/2-B, 236/3-B, 236/4-B and 237/2-B and Survey No. 106/2 of Ayuthur Village, Thiruvellore District as illegal, ultra vires and unconstitutional.

2. Heard both.

3. The issue involved in this case is squarely covered by a judgment of the Apex Court in the case of **Government of India Vs.**



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Tarsem Singh [reported in 2019 (9) SCC 304]. Ultimately, a clarification was sought for by the Union of India and the same was also negatived 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 Government of India, rep.
by the Secretary to Government,
National Highways Department,
New Delhi.
- 2.The Government of India, rep.
by the Secretary to Government,
Law Department, New Delhi.
- 3.The National Highways Authority
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- 4.The Special District Revenue
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RS



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RS

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