



Writ Petition No.5430 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 09.04.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.5430 of 2023

Gowthaman
S/o. Muthusamy, 4/22, M.V.
Thottam, Thippamatti, Pollachi
Taluk -642107.

Petitioner

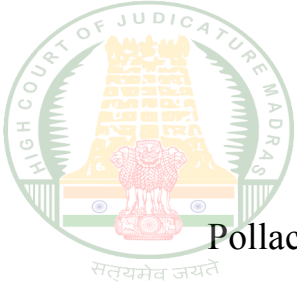
Vs

1. The Project Director
National Highway Authority of
India, Project Implementation Unit,
Plot No. 1, Indira Nagar,
sennamanaickenpatti(PO),
Thadikombu Road, Dindigul - 624
001.

2.The Special District Revenue
officer (Land Acquisition),
National Highways No. 209,
No. 567, Apj , Abdul Kalam Street,
Sennamanaickenpatti Post,
Dindigul - 624004.

3.Sarojini,
W/o. Late Arumugam,
Thippampatti, Pollachi Taluk.

4.Rajaveni,
W/o. Velliyangiri, Kinathukkadavu,



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Pollachi.

5.Ramaraj,
S/o. Thangavel, Kattusalai,
Thippampatti, Pollachi Taluk.

6.Thangamani,
S/o. Chandhiran, Oreagounder
Thottam, Pellampalayam,
Kinathukadavu.

7.Sivakumar,
S/o. Thangavel, Kattusalai,
Thippampatti, Pollachi Taluk.

8.Muthusamy,
S/o. Late Krishnasamygounder,
Thippampatti, Pollachi Taluk.

9.Krishnamurthy,
S/o. Late Kuppusamy,
Thippampatti, Pollachi Taluk.

10.Senthilvel,
S/o. Late Kuppusamy,,
Thippampatti, Pollachi Taluk.

11.Subbulakshmi,
W/o. Late Rangaraj, Thippampatti,
Pollachi Taluk.

12.Sangeetha,
D/o. Late Rangaraj, Thippampatti,
Pollachi Taluk.

13.Sathyapriya,
D/o. Late Rangaraj, Thippampatti,
Pollachi Taluk.

Respondent(s)



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Prayer:

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Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 and 2 to pay compensation for the land acquired for Expansion of National Highway No.209 (Dindigul to Pollachi) in S.Nos.42/4 and 43/3p3 of Thippampatti Village, Pollachi Taluk, Coimbatore District by considering the petitioners representation dated 09.12.2022 within a stipulated time.

For Petitioner	:	Mr.V.Anandhamurthy
For Respondents	:	Mr.Su.Srinivasan Standing Counsel, for R1 R3, R5, R7 - Served - NA R4 & R6 - Addressee moved

ORDER

This writ petition has been filed for issue of a writ of mandamus directing the first and second respondents to pay compensation for the lands acquired from the petitioner based on the representation made by the petitioner on 09.12.2022.

2. The first respondent has filed a counter affidavit. Relevant portions are extracted hereunder:



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Brief facts of the case:

1. It is respectfully submitted that the National Highways Authority of India is a statutory Authority constituted by the National Highways Authority of India Act 1988 (Act 68 of 1988 of the Parliament) with a mandate to develop,

maintain, manage the National Highways and for matters connected therewith or incidental thereto. Section 16 of the Act 68 of 1988 lays down functions of NHAI and section 13 of the Act enables the NHAI to acquire the land needed to discharge its functions, under the provisions of National Highways Act 1956.

2. It is respectfully submitted that the four laning of Dindigul – Pollachi Section of NH-209 have been mandated by the National Highways Authority of India under the ambit of National Highways Act 1956. For acquisition of land for the above said project in Thippampatti Village of Pollachi Taluk, notification u/s 3A(1) of NH Act 1956 has been published in the Gazette of India No:1071 dated: 17.03.2018 and after following the prescribed procedure, the notification u/s 3D(1) of NH Act 1956 was published in the Gazette No:2774 dated: 20.07.2018. In this juncture, based on the technical parameters additional land required in the same locations and 1st additional notification u/s 3A(1) of NH Act 1956 was published in the Gazette of India No.3105 dated 06.08.2018 and subsequently notification u/s 3D(1) also was published in the Gazette of India No.4603 dated 22.11.2018. The additional notification u/s 3A(1) was published in the Gazette No.3105 dated 06.08.2018 and notification u/s 3D(1) was published in the Gazette No.4603 dated 24.11.2018. In Thippampatti Village, the petitioner's land measuring an extent of 5619 sqm comprised in S.Nos.42/4 and 43/3P3 have been acquired. After

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following the due process stipulated in NH Act 1956 and RFCTLARR Act 2013, the Competent Authority passed both the Main Award No.05/2019(Pollachi) and Additional Award No.05/2019 (Pollachi) dated 11.02.2020. In view of objections raised in disbursement of compensation, the 2nd respondent had deposited the compensation in PDJ Court, Coimbatore as per section 3-H(4) of NH Act 1956 since civil suit was pending over the schedule of the property.

3. Heard Mr.V.Anandhamurthy, learned counsel on record for petitioner and Mr.Su.Srinivasan, learned Standing Counsel for R1.

4. On carefully reading the counter affidavit filed by the first respondent, it is seen that the main award has already been passed by the competent authority and thereafter, an additional award was also passed on 11.02.2020. Thereby, the total compensation has been determined at Rs.87,84,173/-. Since there was a dispute between the parties and a partition suit had been filed in O.S.No.357 of 2012 on the file of the Sub-Court, Pollachi and preliminary decree was passed in that suit, the second respondent had deposited the compensation amount before the Principal District Court, Coimbatore as per Section 3H(4) of the National Highways Act, 1956.

5. The learned counsel for the petitioner submitted that till date, the Principal District Court has not numbered the petition and as a



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result, the petitioner is not in a position to agitate the dispute before the

WEB COPY Court.

6. In the light of the stand taken by the first respondent and after considering the submissions made on either side that the amount has already been deposited before the Principal District Judge, Coimbatore, it is left open to the petitioner to approach the Principal District Judge, Coimbatore and seek for necessary remedy. On such a plea made by the petitioner, learned Principal District Judge, Coimbatore shall decide the same on its own merits and in accordance with law.

This Writ Petition is disposed of in the above terms. There shall be no order as to costs.

09.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

mk



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To
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N.ANAND VENKATESH, J

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