



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2025

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CORAM :

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

Writ Petition No.10482 of 2025

1.K.Selvarani
2.M.Neelavathi
3.Umavathi.P
4.Esther Geetha.A

.... Petitioners

-Vs-

1.Union of India
Rep. By its Secretary to the Govt. of India
Ministry of Road Transport and Highways
Transport Bhavan, No.01, Parliament Street
New Delhi-110001.

2.The Chairman
National Highways Authority of India
G5 & G6, Sector-10
Dwaraka, New Delhi-110075.

3.The Project Director
Project Implementation Unit
No.1/54-28, Butt Road, St.Thomas Mount
Near Kathipara Junction, Chennai 600 016.

4.The District Collector-cum-Arbitrator
Under the National Highways Act
Collectorate, Chengelpattu, Chengelpattu District.

5.The Special District Revenue Officer
(LA) and Competent Authority under the
National Highways Act, 1956
Chengelpattu, Chengelpattu District.

.. Respondents



Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents directing the 4th and 5th respondent to pass an appropriate order to pay solatium to the petitioners to the tune of 30% from the quantified compensation of Rs.1,24,89,230/- as per section 23(2) of the Land Acquisition Act, 1984 and additional amount at 12% per annum as per section 23(1-A) Land Acquisition Act from the date of notification to date of taking possession and along with interest at the rate 9% for one year for the quantified solatium amount from the date of possession and thereafter at the rate of 15% per annum till the date of actual payment as per section 28 of the Land Acquisition Act, 1894, in respect of petitioners land to an extent of 234 square meters in Survey No.7 of Tambaram Village, chengelpattu District, acquired for the purpose of widening the NH45, in compliance with the judgement of Hon'ble Supreme Court in the case of Union of India Vs.Tarsem Singh and render justice.

For Petitioners : Mr.J.Hudson Samuel
for M/s.Paul and Paul

For Respondents : Mr.S.Makesh
Additional Central Government Standing Counsel
for R1

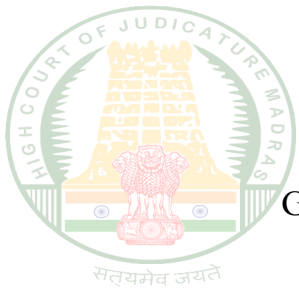
Mr.Su.Srinivasan
Standing Counsel for R2 & R3

Mr.P.Sathish
Additional Government Pleader for R4 and R5

ORDER

When this writ petition came up for hearing on 26.03.2025, this Court passed the following order:

Mr.S.Makesh, learned Additional Central Government Standing Counsel, takes notice on behalf of first respondent. Mr.Su.Srinivasan, learned Standing Counsel, takes notice on behalf of respondents 2 and 3. Mr.P.Sathish, learned Additional



Government Pleader, takes notice on behalf of respondents 4 and 5.

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2. The subject matter of the present writ petition pertains to payment of solatium to the petitioners and additional amount at 12% per annum as per Section 23(2) and Section 23(1-A) of the Land Acquisition Act. The first petitioner's husband along with two others had earlier knocked the doors of this Court by filing writ petitions in W.P.No.13380 of 2016 etc., challenging the proceedings of the District Collector under Section 3G(5) of the National Highways Act. This writ petition was allowed by an order dated 12.02.2020. However, while dealing with this writ petition, this Court had taken note of the claim made by the petitioners seeking for solatium and additional amount with interest. After the matter was remanded back to the file of the District Collector, the District Collector rejected the claim made by the first petitioner's husband under these heads. A contempt petition in Cont P.No.1117 of 2021 came to be filed by the first petitioner's husband and one Selvarani. This contempt petition was disposed of by an order dated 10.12.2021 in the following terms:

'4. Therefore, this Court has no hesitation to set aside the award passed by the respondent dated 18.11.2021 and accordingly, the award dated 18.11.2021 is set aside and remitted back to the respondent for fresh disposal in view of the order passed by the Hon'ble Supreme Court of India in the case of Union of India and another Vs. Tarsem Singh and others reported in (2019) 9 SCC 304. Accordingly, the respondent is directed to consider and dispose of the arbitration proceedings within a period of four weeks from the date of receipt of copy of this order in view of the order passed by



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the Hon'ble Supreme Court of India in the case of Union of India and another Vs. Tarsem Singh and others reported in (2019) 9 SCC

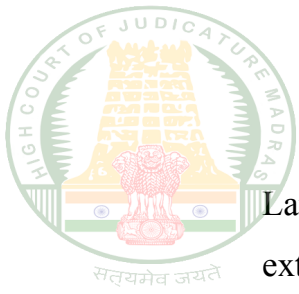
3. The grievance of the petitioner is that the first petitioner's husband died and even now, they have not received solatium and additional interest and hence, present writ petition has been filed before this Court.

4. The learned Standing Counsel for the National Highways Authority of India and the learned Additional Government Pleader for the respondents 4 and 5 shall take instructions in this case.

Post this writ petition at the end of the motion list on 09.04.2025.

2. When the matter was taken up for hearing today, the proceedings of the 4th respondent dated 28.04.2025, was placed before this court. The relevant portion is extracted hereunder:

Now, therefore, in compliance of the directions of the Hon'ble High Court of Madras in WP.No.24274 of 2016 and the related Contempt Petition No.1117/2021, orders are hereby issued sanctioning a solatium to the petitioners to the tune of 30% for the land value of Rs.1,10,97,216/- as per Section 23(2) of the Land Acquisition Act, 1894 and an additional amount at 12% per annum as per Section 23(1-A) Land Acquisition Act from the date of notification to date of taking possession, and along with interest at the rate 9% for one year for the quantified solatium amount from date of possession and thereafter at rate of 15% per annum till the actual payment as per the Section 28 of



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Land Acquisition Act, 1894 in respect of the petitioner's and to an extent of 234 sq.mtrs in Town Survey No.7 of Tambaram Village in Chengalpattu District acquired for the purpose of widening the NH-45.

3.In the light of the above development, there shall be a direction to the 5th respondent to collect the bank details of the petitioners and the compensation amount fixed by the 4th respondent shall be transferred to the petitioners within a period of four weeks from the date of receipt of copy of the order.

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

29.04.2025

Index : Yes/No

NCS : Yes/No

KP

To

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N.ANAND VENKATESH, J.

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