



WEB COPY

WA No. 822 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-10-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

WA No. 822 of 2022

1. National Highways Authority Of India
of India (NHA) Rep by Project Director,
No.1/54-28, Butt Road, St. Thomas Road,
Chennai-16,
Now at SRI TOWER, 3rd Floor,
DP-34, SP Industrial Estate,
Chennai 32.

Appellant(s)

Vs

1. Abbas.T. Vagh
- 2.Amir Abbas T.Vagh
- 3.Fatima Abbas T.Vagh
- 4.Shabbir T.Vagh
- 5.Abbas S.Vagh
- 6.Moiz S.Vagh



7.Abdul Hussain S.Vagh

8.Mohammed T.Vagh

9.Azeez M.Vagh

10.Ali A.Vagh

11.Tyed S.Vagh (died)

12.Mustali M.Vagh

13.The Competent Authority And Spl DRO (LA)
National Highways Schemes,
Kanchipuram and Thiruvallur Districts,
at Kanchipuram

14.The Collector
Thiruvallur Dt, Thiruvallur

15.Zaitoon Tyeb

16.Shabbir T.Vagh

17.Hyder Tyeb Vagh

18.Muffaddal T.Vagh

Respondent(s)

PRAYER

To set aside the order passed by the Learned Judge in W.P.No.10490 of 2017 dated 30.09.2021.

For Petitioner: Mr.SU.Srinivasan



Standing Counsel for NHA
For Respondent(s): Mr.K.S.Viswanathan
Senior Counsel for Mr.P.Thirupathiraj for R1-
10, 12, 15-18
R11- Died
Mr.A.Selvendran
Special Government Pleader for R13 & 14

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The 1st respondent in the writ petition, National Highways Authority of India, preferred the present writ appeal challenging the writ order dated 30.09.2021.

2. The main contention raised on behalf of the appellant is that the respondents/erstwhile landowners entered into a compromise agreement and accordingly received the compensation in entirety, which has not been disputed by the respondents.

3. However, the learned Senior Counsel appearing on behalf of the respondents would submit that there is no impediment for the authorities to consider the case of the landowners for grant of solatium independently *de hors* the compromise agreement entered into between the parties.



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4. No doubt, it is a full and final settlement, which was received by the landowners. However, the memo filed by the respondents would indicate that the grant of solatium may be independently considered by the competent authorities in the event of filing any application claiming the said benefit. The memo filed by the respondents reads as follows,

“.....

2) *The above writ appeal has been filed by NHA1 challenging the order of the learned single judge directing to pay the solatium to the Writ petitioner relying upon the judgment of the Hon'ble Supreme Court in the case of Union of India Vs Tarsem Singh reported in (2019) 9 SCC 304. However, the Appellant is relying upon the decree in the arbitration proceedings wherein a compromise has been recorded to state that no further claim for solatium can be made by the writ petitioner.*

3) *Considering the fact that the award by the Competent Authority or the District Collector and as well as the judgement and decree of the District Court in appeal by affirming the same with some*



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modification after recording a compromise were passed prior to the judgment of the Hon'ble Supreme Court in Tarsem Singh case referred to supra. The petitioner hereby seeks permission of this Hon'ble Court to withdraw the writ petition, viz., W.P.No. 10490 of 2017 with liberty to make an appropriate application for grant of solatium before the Competent Authority for Land Acquisition, National Highways so that the same can be considered independently by the said authority and orders can be passed in accordance with law.

The respondent/writ petitioner undertakes to file such a representation with the authority within a week from the date of receipt of the orders in the writ appeal and it is prayed that the same may be directed to be consider and disposed of in accordance with law within a reasonable time fixed by this Hon'ble court and thus render justice.”

4. Since the respondents have chosen to withdraw the writ petition itself, the writ order cannot be sustained. Consequently, the impugned order dated 30.09.2021 in W.P.No.10490 of 2017 is set aside, and liberty is granted



to the respondents to submit a representation independently to the competent authorities.

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5. In view of the disposal of the Writ Appeal, the appellant is permitted to withdraw the amount of Rs.14,45,98,160/- deposited before the Registrar General, High Court, Madras pursuant to the interim order of this Court dated 26.04.2024.

5. Consequently, the Writ Appeal stands closed. No costs. The connected miscellaneous petitions, if any, are closed.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

15-10-2025

gd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To

1.The Competent Authority And Spl DRO (LA)

National Highways Schemes,

Kanchipuram and Thiruvallur Districts,

at Kanchipuram

2.The Collector

Thiruvallur Dt, Thiruvallur



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AND
MOHAMMED SHAFFIQ J.**

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Today the matter has been listed under the caption “for being mentioned.”

2. This Court by order dated 15.10.2025 has permitted the appellant to withdraw the amount deposited, but regarding the interest accrued no direction has been given. Hence, Para No.5 of the order dated 15.10.2025 shall reads as follows:-

*5. In view of the disposal of the Writ Appeal, the appellant is permitted to withdraw the amount of Rs.14,45,98,160/- deposited before the Registrar General, High Court, Madras **along with accrued interest**, pursuant to the interim order of this Court dated 26.04.2024.*

3. Registry is directed to carryout the above correction and issue a fresh corrected order copy.

(S.M.S., J.) (M.S.Q., J.)



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24.11.2025

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S.M.SUBRAMANIAM, J.
AND
MOHAMMED SHAFFIQ, J.

dsa

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24.11.2025