



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 41250 of 2025

Parameshwari,
W/o.Palanivel,
No. 9/749, East Kattukottai, Naduvalur,
Gangavalli, Salem District -636 105.

Petitioner(s)

Vs

1.The District Collector,
Collectorate Campus,
Thummankurichi, Namakkal.

2.The Competent Authority And
District Revenue Officer,
(Land Acquisition),
National Highways No.7,
Collectorate Campus,
Thummankurichi, Namakkal.

3.The Project Director,
National Highways Authority Of India,
Sale.212-3/D3-1, Srinagar Colony,
Narajothipatti, Salem-636 004.

Respondent(s)



PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, directing the Respondents to pay Solatium at 30% and Additional Market value at 12% on the enhanced compensation amount as re-determined by the 1st respondent in the Award dated 01.08.2017, vide Na.Ka.7201/ 2012 /case No. 30/ 2011/ Arbitration, along with interest at the rate of 9% per annum for the first year and 15 % per annum for the subsequent years, from the date of taking possession till the date of realization, in respect of the petitioner's acquired land situated in S.No.31/26 (as per subdivision S.No.31/26B, 31/27A (as per sub-division S.No.31/27A2) and 31/27B, Andagalur Village, Rasipuram Taluk, Namakkal District, in accordance with the judgment of the Hon'ble Supreme Court in Union of India V. Tarsem Singh, by duly considering the petitioners representation dated 05.05.2025, within the stipulated time as fixed by this Court.

For Petitioner(s): Mr.D.Vairamoorthy

For Respondent: Mr.P.Sathish
Additional Government Pleader
for R1 & R2
Mrs.S.R.Sumathy
Standing Counsel for R3

**ORDER**

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This writ petition has been filed by the petitioner seeking to direct the respondents to pay Solatium at 30% and Additional Market value at 12% on the enhanced compensation amount as re-determined by the 1st respondent in the Award dated 01.08.2017, vide Na.Ka.7201/2012/case No. 30/ 2011/ Arbitration, along with interest at the rate of 9% per annum for the first year and 15 % per annum for the subsequent years, from the date of taking possession till the date of realization, in respect of the petitioner's acquired land situated in S.No.31/26 (as per subdivision S.No.31/26B, 31/27A (as per sub-division S.No.31/27A2) and 31/27B, Andagalur Village, Rasipuram Taluk, Namakkal District, in accordance with the judgment of the Hon'ble Supreme Court in Union of India V. Tarsem Singh, by duly considering the petitioners representation dated 05.05.2025.

2.Mr.P.Sathish, learned Additional Government Pleader, takes notice on behalf of the respondents 1 & 2 and Mrs.S.R.Sumathy, learned Standing



Counsel takes notice on behalf of the 3rd respondent. By consent of the parties, the main writ petition is taken up for disposal at the admission stage itself.

3.The learned counsel for the petitioner would submit that the petitioner's lands were acquired by the 2nd respondent for the purpose of widening four-lane road in National High Way No.7, under the provisions of the National Highways Act, 1956. Thereafter, the 2nd respondent passed an Award dated 04.02.2008 determining the compensation for the acquired land. Since the amount of compensation was less than the prevailed market rate, the petitioner had filed a petition before the 1st respondent seeking enhancement of the amount of compensation and the said Authority, by Award dated 01.08.2017, enhanced the amount of compensation. However, failed to award 30% Solatium and 12% Additional Market Value on the enhanced compensation at that time. Further, he would submit that the Hon'ble Supreme Court in the case of Union of India Vs. Tarsem Singh and others reported in (2019) 9 SCC 304 has categorically held that the Authorities are liable to pay Solatium and interest contained in Section 23(1A) and (2) and interest under Section 28 of the lands acquired under



National Highways Act, 1956 and struck down Section 3 of the said Act.

Therefore, the petitioner is entitled for solatium, additional market value and interest. In this regard, he made a representation to the respondents on 05.05.2025. As the same did not evoke any response, the petitioner has filed this writ petition seeking for the aforesaid relief.

4.The learned Additional Government Pleader appearing for the respondents 1 and 2 as well as the learned Standing Counsel appearing for the 3rd respondent would submit that the 3rd respondent will consider and pass orders on the representation of the petitioner, within the stipulated time fixed by this Court.

5.Heard both sides. Perused the records.

6.Considering the facts and circumstances of the case and having regard to the submissions made, without going into the merits of the case, this Court directs the 3rd respondent to pass orders on the representation of the petitioner



dated 05.05.2025, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the aforesaid directions, this Writ Petition is disposed of. No costs.

03-11-2025

(6/6)

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To
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KRISHNAN RAMASAMY J.

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