

W.A.(MD)No.1525 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)No.1525 of 2024
and
C.M.P.(MD)No.11864 of 2024

1.J.Balamurugan
2.J.Velmurugan

... Appellants

Vs.

- 1.The Union of India,
Represented by its Secretary to Government,
Ministry of Road Transport and Highways,
New Delhi.
- 2.The District Collector,
Madurai District.
- 3.The District Revenue Officer Cum Project
Competent Authority,
Land Acquisition (NHAI),
Virudhunagar.
- 4.The Project Director,
National Highways Authority of India (NHAI),
Madurai.
- 5.The Executive Engineer,
Tamil Nadu Agricultural Engineering Department,
Madurai Region, T.P.K.Road,
Madurai-625 011.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.4085 of 2021, dated 12.10.2023.

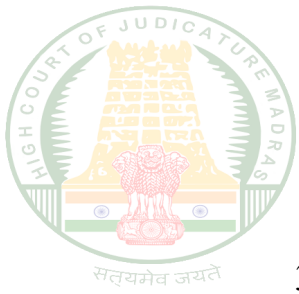
For Appellants :Mr.K.K.Senthillvelan
Senior Counsel
for Mr.V.S.Kumara Guru
For R1 and R4 :Mr.K.Govindarajan
Deputy Solicitor General of India
For R2 and R3 :Mr.S.S.Madhavan
Additional Government Pleader
For R5 :Mr.P.Karthick
Standing Counsel

JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

The present writ appeal is filed by the writ petitioner against the order dated 12.10.2023 passed in W.P.(MD)No.4085 of 2021.

2. The writ petition was filed for issuance of a Writ of Mandamus, to direct the respondents to withdraw / drop the petitioner's land situated in Survey Nos.1/14A1, 3/12A of Vilacheri Village, Nagamalaipudukkottai, Madurai District, measuring an extent of 22.5 cents from the additional land acquisition proceedings.



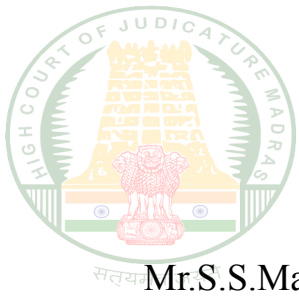
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3. The case of the writ petitioners is that they had purchased the subject property through a Registered Sale Deed in document No.3294 of 2019, dated 04.09.2019. The petitioners came to know about the acquisition proceedings but neither the petitioners nor their vendors have received any compensation. Further, the land acquired has not been utilized. Therefore, the petitioners submitted a representation for reconveyance of the subject property. Hence, the writ petition was filed.

4. After considering the rival claims, the Writ Court had held if compensation is not received, it has to be independently agitated by the petitioners in a manner known to law and the same cannot be a ground for reconveyancing the land. Further held under the National Highways Act, there is no provision for re-conveying the land to the land owners and dismissed the writ petition. Aggrieved over the same the writ petitioner had filed the present writ appeal.

5. Mr.K.K.Senthillvelan, the learned Senior Counsel for Mr.V.S.Kumara Guru appearing for the appellants, Mr.K.Govindarajan, the learned Deputy Solicitor General of India appearing for the respondent 1 and 4,



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Mr.S.S.Madhavan, the learned Additional Government Pleader appearing for the respondents 2 and 3 and Mr.P.Karthick, the learned Standing Counsel appearing for the 5th respondent and perused the records.

6. The primary contention of the appellant / writ petitioner is that they did not receive any compensation for the acquisition of their lands. The respondents have filed counter wherein it has been categorically stated that the writ petitioners' vendors have received the compensation. On perusing the sale deed, it is seen that one R.Meenakshi is the petitioners' vendor. In the counter the respondents have stated that the said R.Meenakshi had received compensation under 3D Main Award dated 05.04.2007 which was quantified as Rs.32,283/- and the same was disbursed vide cheque No.208027 dated 23.07.2007. However, the said vendor did not turn up for 3G enquiry, hence the said vendor did not receive the compensation under 3G Additional Award, dated 26.06.2009.

7. Further it is seen that the 3D Main Award was on 05.04.2007 and the 3G Additional Award was on 26.06.2009. But the sale executed by the said vendor to the writ petitioner was on 04.09.2019. The sale deed is executed nearly after 12 years after the Main Award and 10 years of Additional Award. Furthermore, in the



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said sale deed it is mentioned that National Highway Authority had acquired 1008 square meters. Therefore, the writ petitioners' plea cannot be entertained since the sale is subsequent to the award proceedings.

8. If at all aggrieved by non-payment of award, then it is the original owner who would be aggrieved and not the appellant / writ petitioner who had purchased the remaining lands after land acquisition proceedings. In other words, the petitioner cannot step into the shoes of the original owner and claim the compensation is not paid, hence reconvey the land, when the petitioner is not having any privity of contract with the National Highways Authority at all. Therefore, the Writ Court has rightly rejected the plea of the writ petitioner.

9. Further it is the specific contention of the respondents that there is no provision for re-conveying the land to the land owners under National Highways Act and the said issue was already decided in the case of ***G.Poosanam Vs. the Project Director, National Highways Authority of India***, in W.P.No.16186 of 2011, dated 16.09.2020.

10. On the other hand, the contention of the appellant is that the power



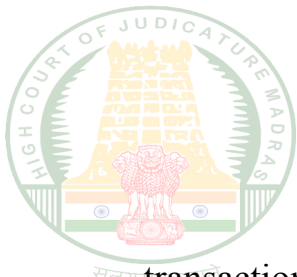
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to reconvey the land is available in Land Acquisition Act, 1894. Under section 3J of National Highways Act it is stated that “Nothing in the Land Acquisition Act, 1894 shall apply to an acquisition under this Act”. The effect of it is that the Land Acquisition Act, 1894 is not applicable, hence reconveying it not available. But the said section 3J is struck down by the Courts and the effect of it would be Land Acquisition Act, 1894 is applicable and the reconveying of land is available to National Highways Act.

11. After hearing the rival submissions, this Court is of the considered opinion that the appellant has not locus standi to claim reconvey the land since the lands were not acquired from the appellants. The lands were acquired from the original owner R.Meenakshi and compensation was paid to the original owner. As held supra, if at all there is a claim it is the original owner who has to claim and not the appellant, since the land was acquired from the original owner and award was granted in the year 2007 and 2009, but the appellant had purchased the land in the year 2019.

12. Further at the time of acquisition proceedings the section 3J was in existence, but the same was struck down on a later date. Therefore, any



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transaction which was completed cannot be reopened. Therefore, considering from any angle the appellant is not having any legally sustainable ground.

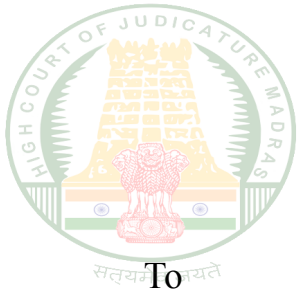
13. However, the question of law raised in this case is left open, as and when the original owner is claiming such relief the same will be considered in accordance to law.

14. Therefore, the writ appeal is liable to be dismissed and accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] [S.S.Y., J.]
08.04.2025

Index : Yes / No

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