

W.P(MD)Nos.1507 of 2022 and 12485 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 16.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.(MD)Nos.1507 of 2022 and 12485 of 2024
and
W.M.P.(MD)No.11126 of 2024

W.P.(MD)No.1507 of 2022

N.K.Santhakumari alias Santha Solarajan

...Petitioner

Vs.

1.National Highways Authority of India,
Ministry of Road Transport and Highways,
G5&6, Sector 10, Dwarka,
New Delhi – 110 075.

2.The Special District Revenue Officer
(Land Acquisition),
Competent Authority Land Acquisition
under NH Act,
National Highways 49,
Collector Office Complex,
Ramanathapuram – 623 503.

3.The Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.1, 2nd Floor, Subramaniapuram 3rd Street,
Karaikudi, Sivagangai District.

... Respondents



W.P(MD)Nos. 1507 of 2022 and 12485 of 2024

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the award dated 25.11.2021 in Na.Ka.N.H.49/Unit-IV/S2/198/2013/1124/2021 and quash the same and consequently direct the second respondent to pass a fresh award as per the First Schedule to the Right to Fair and Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, by taking into consideration the date of publication in the newspapers i.e. 01.06.2012 as the crucial date for the purpose of determination of market value in respect of the petitioner's lands in S.No. 7/1B2, Nelmudikarai Village, Thirupuvanam Range, Sivaganga District and award additional compensation to the petitioner u/s. 30(3) of the 2013 Act for the period from 29.03.2012 upto 15.04.2015 (date of taking possession) and award interest on the said compensation to be determined.

For Petitioner : M/s.AL.Gandhimathi, Senior Counsel
for Mr.C.Mahadevan

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

Mrs.S.Jeya Priya
Government Advocate for R2

Mr.C.Arul Vadivel @ Sekar
Standing Counsel for R3

W.P.(MD)No.12485 of 2024

1.S.Rudhra Devi

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W.P(MD)Nos. 1507 of 2022 and 12485 of 2024

2.S.Jayalakshmi

...Petitioners

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Vs.

- 1.National Highways Authority of India,
Ministry of Road Transport and Highways,
G5&6, Sector 10, Dwarka,
New Delhi – 110 075.
- 2.The District Revenue Officer (Land Acquisition),
Competent Authority Land Acquisition
under NH Act,
National Highways – 209 (Oddanchatram Bypass),
Collector Officer Complex,
Dindigul – 624 004.
- 3.The Deputy General Manager (T) and Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.1, Aishwarya Heights,
Indira Nagar, Sennamanaickenpatti,
Thadikombu Road,
Dindigul-624004.
- 4.The Divisional Engineer,
National Highways Division,
19A, Jawahar Street,
Madurai-625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the second respondent relating to the Award No. 01/2013/Oddanchatram – (Re-determination of Compensation) dated 05.02.2024 bearing ROC No.21754/2021/E1 and quash the same and



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consequently direct the second respondent to pass a fresh Award as per the First Schedule to the Right to Fair and Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, by taking into consideration the date of publication in the newspapers i.e. 05.04.2012 as the crucial date for the purpose of determination of market value u/s 26(1), Solatium u/s 30(1) and Additional Amount u/s 30(3) and also award interest to the petitioners on the excess compensation in terms of Section 72 of the 2013 Act, in respect of the petitioners land in S.No.418/1B1, Oddanchatram – Dharapuram State Highways at Oddanchatram Revenue Village.

For Petitioners : M/s.AL.Gandhimathi, Senior Counsel
for Mr.C.Mahadevan

For Respondents : Mr.P.Karthick for R1 & R3

No representation for R2 & R4

COMMON ORDER

These Writ Petitions are filed challenging the award passed by the second respondent / competent authority under the National Highways Act fixing the quantum of compensation in respect of the petitioners' land acquired for extension of National Highway.

2. It is seen from the affidavit filed in support of the writ petitions

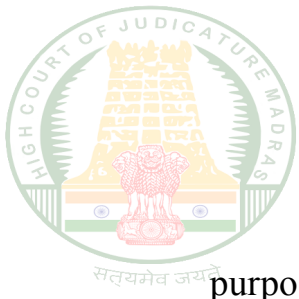


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that properties owned by the petitioners have been acquired for extension of National Highway. 3A notice under the National Highways Act has been published on 29.03.2012 and 15.02.2012 respectively. Subsequently, paper publication was made in The New Indian Express and Dhina Thanthi on 01.06.2012 in respect of the subject property in W.P.(MD)No.1507 of 2022. In respect of other writ petition in W.P. (MD)No.12485 of 2024, paper publication was made in the New Indian Express and Dhina Mani on 05.04.2012. Subsequently, notification under Section 3D(1) was published in official Gazette on 02.01.2013 and 31.08.2012 respectively. Publication through newspapers was made on 23.02.2013 and 01.06.2013 respectively. The competent authority fixed the quantum of compensation payable to the petitioners by passing an award on 13.08.2014 and 30.12.2013 respectively. Not satisfied with the quantum of compensation fixed by the competent authority, these writ petitions are filed.

3. The learned Senior Counsel appearing for the petitioners would submit that the competent authority has taken the date of publication of preliminary notification in official Gazette as the base date for the



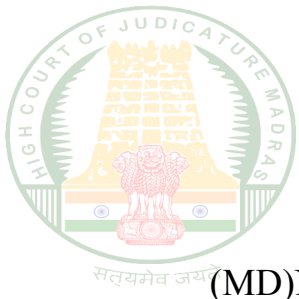
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purpose of determining the compensation overlooking the circular issued by the Commissioner of Land Administration. According to the learned Senior Counsel appearing for the petitioners, the relevant date for fixing the compensation shall be the date of final notification under Section 3A of the National Highways Act. In the case on hand, notification in newspapers was published only on 01.06.2012 and 05.04.2012 respectively. Therefore, the impugned award passed by the competent authority shall be set aside with a direction to take the date of paper publication as the base date for the purpose of fixation of compensation.

4. The learned Senior Counsel appearing for the petitioners would further submit that in respect of the very same project, the competent authority has taken the date of publication of notification in newspapers as the base date for the purpose of determining the compensation in his proceedings Na.Ka./N.H.49/Unit V/197/2013 dated 31.08.2017. Therefore, according to the learned Senior Counsel appearing for the petitioners, the petitioners are also entitled to be treated alike.

5. The learned counsel appearing for the third respondent in W.P.



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(MD)No.1507 of 2022 would submit that if the petitioners are not satisfied with the quantum of compensation, it is for them to avail alternative remedy of arbitration available under Section 3G(5) of the National Highways Act and therefore, the writ petitions filed by the petitioners are not at all maintainable.

6. In the case on hand, only dispute arising for consideration is what is the base date for the purpose of determining the quantum of compensation. Section 3A of the National Highways Act prescribes various modes of preliminary notification. If all the notification by different modes are made on the very same day, there may not be any difficulty in fixing the date. However, in the case on hand, publication in Government Gazette was made on one date and publication in newspapers was made on different date. In order to clear the doubt, the Commissioner of Land Administration issued a circular in his proceedings M2/7304/2018 dated 16.10.2020. Clause 4(a) of the above said circular reads as follows:-

“(a) In respect of Section 26 (1) (a) of RFCTLARR Act, 2013, the Guideline value for the land under acquisition has to be gathered as on the last date of



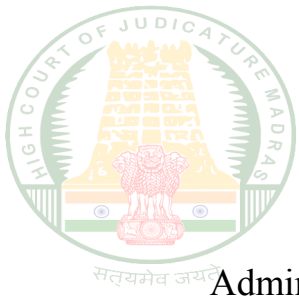
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publication of Preliminary Notification u/s. 11 of RFCTLARR Act, 2013 from the concerned Sub-Register's office.”

7. A reading of the above circular issued by the Commissioner of Land Administration would make it clear that guideline value for the purpose of fixing the quantum of compensation shall be with reference to the last date of publication of preliminary notification. In the case on hand, last date of preliminary notification is the date on which notification was published in daily newspapers. As far as W.P.(MD)No. 12485 of 2024 is concerned, notification in daily newspapers was published on 05.04.2012. As far as W.P.(MD)No.1507 of 2022 is concerned, notification in daily newspapers was published on 01.06.2012. Therefore, as per the circular issued by the Commissioner of Land Administration dated 16.10.2020, the competent authority should have taken the date of publication of notification in the daily newspapers as the base date for the purpose of fixing the quantum of compensation. However, the second respondent, in the case on hand, had taken date of publication of notification in the Government Gazette as the base date, which is against the circular issued by the Commissioner of Land



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Administration. It is also seen from the typed-set of papers filed in W.P. (MD)No.1507 of 2022 that in respect of the very same project, the competent authority has taken the date of publication of notification in the daily newspapers as the base date for determining the quantum of compensation. The competent authority cannot taken two yardstick to determine the compensation. Being a subordinate authority the second respondent is expected to follow the clarification issued by the Commissioner of Land Administration while passing the award. Therefore, there is no disputed question of facts involved in this matter to relegate the petitioners to avail alternative remedy of arbitration under Section 3G(5) of the National Highways Act. Accordingly, the impugned awards passed by the second respondent taking the base date as 29.03.2012 and 15.02.2012 respectively are set aside. The matters are remitted back to the file of the second respondent with a direction to take the base date for the purpose of fixing the compensation as 01.06.2012 and 05.04.2012 respectively. The second respondent is directed to pass fresh award within a period of four months from the date of receipt of a copy of this order.



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8. With the above direction, these Writ Petitions stand allowed.

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Consequently, connected Miscellaneous Petition is closed. No costs.

16.07.2025

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
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To

- 1.National Highways Authority of India,
Ministry of Road Transport and Highways,
G5&6, Sector 10, Dwarka,
New Delhi – 110 075.
- 2.The District Revenue Officer (Land Acquisition),
Competent Authority Land Acquisition
under NH Act,
National Highways – 209 (Oddanchatram Bypass),
Collector Officer Complex,
Dindigul – 624 004.
- 3.The Deputy General Manager (T) and Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.1, Aishwarya Heights,
Indira Nagar, Sennamanaickenpatti,
Thadikombu Road,
Dindigul-624004.
- 4.The Divisional Engineer,
National Highways Division,
19A, Jawahar Street,
Madurai-625 020.

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S.SOUNTHAR, J.

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Common Order made in
W.P.(MD)Nos.1507 of 2022 and 12485 of 2024
and
W.M.P.(MD)No.11126 of 2024

Dated : 16.07.2025