



W.P.(MD)No.3387 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : **24.02.2025**

Delivered on : **03.03.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.3387 of 2025

V. Poochappan

... Petitioner

/Vs./

1. The District Collector - Cum
- Sole Arbitrator, Madurai,
Madurai District.
2. The Competent Authority
(Land Acquisition) Cum
the Special District Revenue Officer,
National Highways No.7,
Virudhunagar District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 09.12.2024 to re-determine and refix the compensation for granting solatium and interest on solatium for the awarded compensation amount under the Right to Fair Compensation



W.P.(MD)No.3387 of 2025

WEB COPY

and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 within a time frame fixed by this Court.

For Petitioner : Mr.S.Chandrasekar
for Mr.N.Mohan

For Respondents : Mr.S.Kameswaran
Government Advocate

ORDER

The petitioner has filed the instant writ petition, seeking issuance of a writ of mandamus, to direct the second respondent, the Competent Authority (Land Acquisition) Cum Special District Revenue Officer, National Highways No.7, Virudhunagar District., to pass orders on the petitioner's representation dated 09.12.2024, by granting solatium and interest on solatium on the Award amount under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



W.P.(MD)No.3387 of 2025

WEB COPY

2. I have heard Mr.S.Chandrasekar, learned counsel for the petitioner and Mr.S.Kameswaran, learned Government Advocate for the respondents.

3. The case of the petitioner is that the petitioner and his family owned lands in Nallamanayakkanpatti Village, Avalsooranpatti Post, Thirumangalam Taluk, Madurai District. The lands of the petitioner were sought to be acquired for formation and widening of National Highway – 7 under the National Highways Act, 1956.

4. Admittedly, a notification under Section 3A(1) of National Highways Act was issued on 30.06.2005 and the same was duly published in one issue of Tamil daily “Dina Thanthi” and English daily “The Hindu”, on 24.09.2005. Subsequently, under Section 3G(3) of the National Highways Act, 1956, enquiry was conducted by the Special Tahsildar, Thirumangalam, on 23.06.2006, and an extent of 2175 sq.meters of punja lands belonging to the petitioner's family were included in the acquisition.



W.P.(MD)No.3387 of 2025

WEB COPY

5. The Competent Authority (Land Acquisition) Cum Special District Revenue Officer, National Highways No.7, in and by proceedings dated 20.02.2007, fixed compensation at Rs.35.84 per sq.meter, relying on the sale deed dated 12.07.2004 registered vide document No.671/2004 and arrived at a market value of Rs.7,10,594/- in respect of the petitioner's lands that were acquired. The petitioner received the said compensation under protest and filed an Arbitration application under Section 3G(5) of the Highways Act, 1956, as early as in the month of April 2008. Since there was no progress in the Arbitration application filed by the petitioner, the petitioner moved this Court in W.P.(MD)No.658 of 2021. The said writ petition was disposed of on 10.10.2023, directing the first respondent / District Collector cum Sole Arbitrator to complete the Arbitration proceedings within a period of six months. The first respondent proceeded to pass an Award on 06.11.2023, rejecting the petitioner's claim for enhancement.

6. It is the specific case of the petitioner that Section 3J of the National Highways Act was inserted only by way of an amendment



W.P.(MD)No.3387 of 2025

WEB COPY

introduced through the National Highways (Amendment) Act, 1997 (16 of 1997) and Section 3J had nothing to do with the Land Acquisition Act, 1894, which alone would apply to an acquisition proceeding under the National Highways Act. It is also the specific case of the petitioner that the benefits of solatium and interest payable cannot be denied to the petitioner and in fact contended that the validity of Section 3J was challenged and it has been ultimately struck down being violative of Article 14 of the Constitution of India, as it was depriving land owners of solatium and interest, which is otherwise payable under Sections 23(1-A), (2) and 28 of the Land Acquisition Act, 1894.

7. The learned counsel for the petitioner would further contend that when the compensation was fixed originally, the provision, namely, Section 3J of the National Highways Act was very much in force and consequently, the compensation on account of solatium and interest was not awarded. The learned counsel for the petitioner would submit that Section 3J has been struck down and the benefits payable by way of solatium and interest cannot be denied to the petitioner and in such circumstances, the present writ petition has been filed.



W.P.(MD)No.3387 of 2025

WEB COPY

8. The learned counsel for the petitioner would place reliance on the decision of this Court in *Etti Gounder and others V. The Union of India and others* (W.P.No.697 of 2021, etc batch case), vide common order dated 04.10.2021. He would also place reliance on the decision of this Court in *Abbas T.Vagh and others V. National Highways Authority of India (NHAI) and others* (W.P.No.10490 of 2017), dated 30.09.2021.

9. Placing reliance on the two decisions, the learned counsel for the petitioner would contend that the petitioner cannot be deprived of the additional benefits by way of solatium and interest and therefore, sought for positive directions to be issued to the second respondent to re-determine by including solatium and interest of solatium.

10. Per contra, the learned Government Advocate, Mr.S.Kameswaran, would submit that the petitioner's land have been acquired under the National Highways Act, 1956 and there is no provision under the National Highways Act to award solatium and interest as claimed by the petitioner. Further, he would submit that only



W.P.(MD)No.3387 of 2025

WEB COPY

after the introduction of the new Act, viz., Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, and on from 01.01.2013 onwards, the land owners, whose lands have been acquired would be entitled to solatium and interest by way of additional benefits. However, the case of the petitioner is that the Award was passed prior to the coming into force of the Act 2013, viz., in the year 2007, in Award No.26/2007 and therefore, the petitioner cannot claim any additional benefits. He therefore sought for dismissal of the writ petition, contending that both the decisions that have been relied on by the learned counsel for the petitioner would not apply to the facts of the present case.

11. I have carefully considered the submissions advanced by the learned counsel for the petitioner as well as the learned Government Advocate, Mr.S.Kameswaran.

12. It is not in dispute that the lands of the petitioner have been acquired and an Award also came to be passed and the compensation determined by the authorities was received under protest. It is also an



W.P.(MD)No.3387 of 2025

WEB COPY

admitted position that the claim for enhancement of compensation made by the petitioner was also unsuccessful before the Sole Arbitrator (District Collector, Madurai). The only contention of the petitioner is that when the Hon'ble Supreme Court has struck down Section 3J of the National Highways Act, which alone was impeding the petitioner from entitlement to solatium and interest, the benefits of additional compensation payable under Sections 23(1-A), (2) and 28 of the Land Acquisition Act, 1894, would apply to the acquisition proceedings under the National Highways Act.

13. The next question that follows is as to whether when the petitioner was awarded compensation and Section 3G was very much in force at the relevant point of time, whether the petitioner can advantage of subsequent striking down of Section 3J, and claim solatium and interest, thereby, giving a retrospective effect to striking down of Section 3J.



W.P.(MD)No.3387 of 2025

WEB COPY

14. The issue is no longer *res integra*. This Court in ***Etti Gounder's*** case elaborately discussed the very same issues and ultimately held that the Authority would have to redetermine the compensation and award compensation under the heads solatium and interest on the award amount already determined and pay it over to the land owners. A similar view has been taken by this Court in ***Abbas T.Vagh's case*** as well (W.P.No.10490 of 2017, dated 30.09.2021). The facts of the present case are also quite similar to the facts of the case that has been decided by this Court in the above writ petitions. Therefore, the arguments of the learned Government Advocate that the denial of solatium and interest was proper and justified, in view of Section 3J of the National Highways Act, being in force at the relevant point of time and the same cannot be claimed by the petitioner, giving a retrospective effect, cannot be countenanced. Therefore, the petitioner is clearly entitled to be paid the additional benefits, by way of solatium and interest as claimed.

15. In view of the above, the writ petition is allowed with a direction to the second respondent to redetermine and refix the award of compensation payable to the petitioner, taking into account the solatium



W.P.(MD)No.3387 of 2025

WEB COPY

payable as well as the interest on solatium payable on the award amount to the petitioner. The said exercise shall be carried out within a period of four weeks from the date of receipt of copy of this order and the additional amounts that are due and payable to the petitioner shall also be settled within a period of eight weeks thereafter, without seeking any further extension of time from this Court. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
LS

03.03.2025



W.P.(MD)No.3387 of 2025

WEB COPY

TO:-

1. The District Collector - Cum
- Sole Arbitrator, Madurai,
Madurai District.

2. The Competent Authority
(Land Acquisition) Cum
the Special District Revenue Officer,
National Highways No.7,
Virudhunagar District.



WEB COPY



W.P.(MD)No.3387 of 2025

P.B. BALAJI, J.

LS

Pre- delivery Order made in
W.P.(MD)No.3387 of 2025

Dated:
03.03.2025