



W.A(MD)No.2317 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 26.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A(MD)No.2317 of 2025

and

C.M.P(MD)No.13050 of 2025

Assistant Divisional Engineer
Highways (Construction and Maintenance),
Aruppukottai,
Virudhunagar District.

... Appellant//3rd Party

Vs.

1.R.Chokkappan

... 1st Respondent/Writ petitioner

2.The Project Director,
National Highways Authority of India,
Transport Department,
Plot No.3, Surya Towers,
First East Street,
K.K.Nagar, Madurai-20.

3.The District Collector,
Virudhunagar District,
Virudhunagar.

4.The Special District Revenue Officer,
District Collectorate - D Section



W.A(MD)No.2317 of 2025

Land Acquisition- National Highways,
Virudhunagar-626 101.

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5.The Revenue Divisional Officer,
Aruppukottai Taluk,
Virudhunagar.

6.The Special Tahsildar (L.A)
National Highways -38,
Aruppukottai,
Virudhunagar.

... Respondents 2 to 6/
Respondents 1 to 5

PRAYER: Writ Appeal filed under Clause XV of the Letters Patent Appeal, to
set aside the order dated 21.10.2024 in W.P(MD)No.21521 of 2017.

For Appellant	: Mr.S.P.Maharajan Special Government Pleader
For R1	: Mr.S.Kadarkarai
For R2	: Mr.P.Karthick
For R3 to R6	: Mr.M.Sarangan Additional Public Prosecutor

JUDGMENT

(Judgment of the Court was made by **G.ARUL MURUGAN, J.**)

The State Highways Authority has preferred this intra Court appeal as
against the order dated 21.10.2024 made in W.P.(MD)No.21521 of 2017.



W.A(MD)No.2317 of 2025

WEB COPY

2. The first respondent / writ petitioner had approached the Writ Court seeking for a direction to pay the compensation in respect of the lands belonging to him in Survey No.60/19 as the same has been unauthorisedly used and put in use by forming a road by the Highway Authorities. The Writ Court by relying on the inspection report dated 14.10.2024 arrived at a conclusion that the lands of the writ petitioner were used by the Highways Authorities and already road has been formed without acquisition and paying compensation to the land owner. The Writ Court, after arriving at such a conclusion, had directed the appellant State Highways Authority to pay compensation to the writ petitioner, within a period of four months.

3. It is the contention of the learned Special Government Pleader appearing for the appellant that presently the road has been handed over to the State Highways Authorities. But it is only the National Highways Authority which had implemented the project and therefore, the National Railways Authority ought to have paid the compensation to the land owners before taking possession of the lands. When the National Highways Authority has not made such payment, it is for the writ petitioner to seek compensation only from the National Highways Authority. But however, when the State Highways Authority is not even a party to



W.A(MD)No.2317 of 2025

the writ petition, the Writ Court issued the impugned directions by directing the

State Highways Authority to pay compensation to the writ petitioner, which cannot be sustained and as such, he seeks for indulgence of this Court.

4. The learned Standing Counsel appearing for the second respondent / National Highways would submit that though the National Highways Authority had completed and executed the project, the road has already been handed over to the State Highways Department as early as in the year 2011 and therefore, now the road is within the maintenance and possession of the State Highways Authorities. It is for the State Highways Authority to make the necessary compensation to the writ petitioner.

5. The learned counsel for the first respondent / writ petitioner would submit that when admittedly the patta lands belonging to him had been taken over without acquiring or paying any compensation and already the road has been formed, he is only interested in receiving the compensation, which is to be paid either by the appellant and other official respondents.



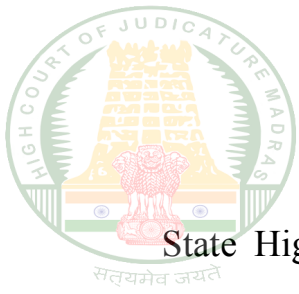
W.A(MD)No.2317 of 2025

6. Heard the rival submissions and perused the materials available on

WEB COPY record

7. It is not in dispute that the writ petitioner / first respondent is the owner of the lands measuring an extent of 0.11.50 hectares in S.No.60/19 and 0.11.50 hectares in S.No.60/20. It is also not in dispute that already the link road project has been executed by the National Highways Authority. It is for the National Highways Authority to compensate the land owners by paying the compensation that has arrived at. The State Highways Authority ought to have acquired and handed over the lands to the National Highways Authority, for which, the National Highways Authority should have paid the compensation to the land owners before executing the project.

8. However, without resorting to acquisition, the lands of the petitioner had already been taken over and utilised for the Highways Project. Now, when the properties of the petitioner have already been taken over and utilised without paying necessary compensation, the authorities are only trying to shift the blame on each other. But we also see force in the submission of the learned Special Government Pleader. Even though, now the road has been handed over to the



W.A(MD)No.2317 of 2025

State Highways Authority, but when the project has been implemented by the National Highways Authority, the State Highways Authority was only to initiate acquisition proceedings and hand over the lands to the National Highways and the compensation i.e., arrived is only to be paid by the National Highways Authority before implementing the project.

9. In the instant case, this has not been followed and the writ Court had directed the State Highways Authority the appellant herein to make the payment. We feel that the relevant portion of the orders of the Writ Court is required to be modified. In view of the above, the respondents 4 to 6 in the appeal are directed to quantify the compensation in respect of the lands of the petitioner, which has been taken over and used for executing the Link Road project in accordance with the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “the new Act, 2013”). It is needless to say that the arrival of compensation will be inclusive of interest and solatium as contemplated under the new Act 2013. Such an exercise shall be undertaken and completed by the respondents 4 to 6, within a period of six weeks from the date of receipt of a copy of this order.



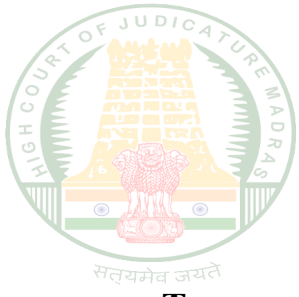
W.A(MD)No.2317 of 2025

10. On the compensation being arrived by the respondents 4 to 6 under the new Act, 2013, the compensation so arrived shall be communicated to the second respondent, who in turn shall make necessary payment to the writ petitioner / first respondent, within a period of eight weeks, thereafter.

11. With the above observations and modification, the writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S., J.) & (G.A.M., J.)
26.08.2025

NCC : Yes / No
Index : Yes / No
am



W.A(MD)No.2317 of 2025

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