



W.A(MD) No.2100 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 01.08.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A(MD) No.2100 of 2025
and
C.M.P.(MD)No.12051 of 2025**

T.Duraipandian

... Appellant / Petitioner

Vs.

**1.The National Highways Authority of India,
through its Project Director,
Project Office, NHAI,
No.1, Subramaniapuram 3rd Street,
2nd Floor,
Karaikudi 630002.**

**2.The Special District Revenue Officer,
Competent Authority (Land Acquisition-National Highway),
Collectorate,
Pudukkottai.**

**3.The District Collector,
Sivagangai District.**

**4.The Tahsildar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.**

... Respondents / Respondents

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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the Judgment dated 26.02.2025 in W.P.(MD)No. 23032 of 2024 on the file of this Court.

For Appellants : Mr.V.R.Shanmuganathan

For Respondents : Mr.P.Karthic
for R1
: Mr.A.Kannan
Additional Government Pleader
for R2 to R4

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The appellant had purchased the petition mentioned land from a Trust. Subsequently, he came to know that on the land purchased by him, NHAI have laid a road. In fact, for this purpose, the land lying to the north of the petition mentioned land was actually acquired. Instead of laying the road on the acquired land, NHAI had erroneously laid road on the patta land of the appellant's vendor. This had happened way back in



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the year 2016. The appellant had purchased the land only in the year 2023. In fact, when the appellant purchased the property, the road was already in existence. There is a well known maxim “Caveat emptor”. It appears that without verifying the facts on ground, the appellant had chosen to purchase the land. In fact, we do fault the NHAI for having laid the road on the patta land instead of on the acquired land. But then, the appellant's remedy cannot be against NHAI but against his vendor. The appellant ought to have sued his vendor. Be that as it may, the appellant filed W.P.(MD)No.23032 of 2024. The learned single Judge directed NHAI to pay compensation to the appellant. Paragraph No.5 of the order passed by the learned single Judge reads as follows:-

“5. Considering the fact that the petitioner's patta land have been taken over without even acquisition proceedings being initiated, way back in 2012, the petitioner cannot be deprived of compensation, which is due and payable to the petitioner. It is needless to state that since the lands have not been acquired yet formally, the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, will come into play and the petitioner would accordingly be entitled to fair compensation under the provisions of the new Act. The petitioner has already lost 12 years, since the lands were



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acquired forcibly from him without even following due process of law.”

3. We are of the view that the learned single Judge had adopted the right approach and it cannot be faulted. The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
01.08.2025

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
rmi

To

- 1.The Special District Revenue Officer,
Competent Authority (Land Acquisition-National Highway),
Collectorate,
Pudukkottai.
- 2.The District Collector,
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- 3.The Tahsildar,
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