



W.P.(MD) No.23032 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.23032 of 2024

T.Duraipandian

... Petitioner

VS.

1.The National Highways Authority of India,
through its Project Director,
Project Office, NHAI,
No.1, Subramaniapuram 3rd Street,
2nd Floor, Karaikudi 630 002.

2.The Special District Revenue Officer,
Competent Authority (Land Acquisition-National Highways)
Collectorate, Pudukottai.

3.The District Collector,
Sivagangai District.

4.The Thasildhar,
Manamadurai Taluk,
Manamadurai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents herein to vacate the road laid by them in S.No.137/3D, Pudukkudi Village, Paramakudi Taluk,



W.P.(MD) No.23032 of 2024

WEB COPY

Ramanathapuram District, belonging to the petitioner or to transfer the lands in S.No.137/2 measuring 0.81.0 hectares in lieu of the lands in S.No.137/3D belonging to the petitioner.

For Petitioner : Mr.V.R.Shanmuganathan

For Respondents : Mr.P.Karthick
Standing Counsel for R1

Mr.B.Saravanan
Additional Government Pleader for R2 to R4

ORDER

Heard the learned counsel on either side.

2.The petitioner seeks issuance of a Writ of Mandamus to direct the respondents to vacate the road laid by the first respondent in S.No.137/3D, which is patta land belonging to the petitioner or alternatively, transfer lands in S.No.137/2 in lieu of the lands forcibly taken over in S.No.137/3D.

3.The learned counsel for the petitioner submits that under the guise of acquiring lands in S.No.137/2, the first respondent has taken over the lands



W.P.(MD) No.23032 of 2024

WEB COPY

belonging to the petitioner, that too patta lands in S.No.137/3 and has already formed the road and not a single rupee has been paid towards compensation to the petitioner. The learned counsel further submits that the lands which have been acquired in S.No.137/2 are un-utilised and still lying vacant and therefore, the respondents can also consider the transfer of lands in S.No.137/2 in favour of the petitioner in lieu of compensation for the proposed acquisition of lands in S.No.137/3.

4.Per contra, the learned Standing Counsel appearing for the first respondent would submit that under the land acquisition laws, there is no procedure for exchange of lands that too lands not belonging to the petitioner in S.No.137/2 and therefore, the question of de-notifying also would not enure to the benefit of the petitioner. However, relying on the statements made in the counter affidavit filed by the first respondent, the learned Standing Counsel for the first respondent would further submit that the Special District Revenue Officer (Land Acquisition Schemes), Pudukottai, has already submitted a recommendation for necessary directions to acquire the lands where the roads have been laid, namely S.No.137/3D measuring 1630 sq.mtrs.



W.P.(MD) No.23032 of 2024

WEB COPY

5.Considering the fact that the petitioner's patta lands have been taken over without even acquisition proceedings being initiated, wayback 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 acquired forcibly from him without even following the due process of law.

6.In view of the above, the respondents cannot act in a lethargic manner to initiate acquisition proceedings. Therefore, a direction is issued to the first respondent to initiate acquisition proceedings and also hold private negotiations with the petitioner and award fair compensation applying the provisions of the Act 30 of 2013 and conclude the same within a period of twelve weeks from the date of receipt of a copy of this order.



W.P.(MD) No.23032 of 2024

WEB COPY 7. With the observations and directions, this Writ Petition is disposed of. No costs.

26.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

1. The Special District Revenue Officer,
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Collectorate, Pudukottai.
2. The District Collector,
Sivagangai District.
3. The Thasildhar,
Manamadurai Taluk,
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W.P.(MD) No.23032 of 2024

P.B.BALAJI, J.

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W.P.(MD) No.23032 of 2024

26.02.2025