



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 34609 of 2024

1. R.Sivasanthanam
S/o.Ramalingam, No.45/23,
Poonamallee Road, Ekattuthangal,
Guindy, Chennai- 32.

2.A.Balakrishnan
S/o.N.Aathi Nadar, No.57, Kaniyalar
Street, Arumuganeri, Chidambaram
District.

Petitioner(s)

Vs

1. State Of Tamil Nadu
Rep By The Competent Authority And
Special District Revenue Officer (1a)
National Highways Scheme,
Kancheepuram.

2.The Tahsildar
Alandur, Tambaram Taluk.

3.The Project Director
National Highways Authority Of India,
Project Implementation Unit- Chennai-
2, No.272, Dr.Selvi Jayakumar Street,
Golden George Nagar, Nerkundram
Chennai-107.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, Directing the Respondents to pass an award to the land an extent of 4 1/2 cents, bearing plot no. 81, Srinivasapuram Extension,



situated at Anakaputhur village, Saidapet Taluk, Chengalpet district, under the provisions of National highways Act, 1956 after following the method contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 for determination of compensation, and grant a just compensation for the land already taken over by the 3rd Respondent for the purpose of chennai- maduravoyal bye- pass, to the petitioners within a period may be stipulated by this Honble court.

For Petitioner(s): Mr.R.Murali

For Respondent(s): Mrs.S.Indu Bala, AGP For R1 & R2
M/s S.R.Sumathy St. Counsel For R3

ORDER

This writ petition has been filed to direct the respondents to pass an award determining the compensation for the subject land.

2. The learned counsel for the petitioner would submit that in this case, the petitioners' land, to the extent of 4.5 cents, was situated in Survey No.298, which was acquired by the National Highways Department-3rd respondent. Though the 3rd respondent is in the possession of the property, they had refused to pay compensation to the petitioners. Further, the said land was not acquired by following due process of law. In this regard, he had referred to the communication dated 22.08.2024 sent by the 1st respondent to the 3rd respondent. Hence, this petition.



3. In reply, the learned counsel appearing for the 1st respondent would fairly submit that in this case, the 1st respondent had sent a communication to the 3rd respondent by stating that the National Highways Department is in possession of the petitioners' land (4.5 extent) and hence, directed the 3rd respondent to take necessary action to acquire the said land either by following due process of law or by way of private negotiation. However, the 3rd respondent had not take any steps till date. Hence, he requests this Court to pass appropriate orders.

4. Heard the learned counsel for the petitioners as well as the respondents and also perused the entire materials available on record.

5. In the case on hand, the petitioners' land, to the extent of 4.5 cents, is situated in Survey No.298, which was acquired by the National Highways Department, however, the subject land, belongs to the petitioners, was not mentioned in the acquisition notice issued by the respondents. In spite of the same, the 3rd respondent had took over the possession of subject land.

6. Further, upon perusal of communication dated 22.08.2024, it is clear that the land was acquired by the Highways Department, however, no compensation was fixed with regard to the same. For ready reference, the context of the said communication is extracted hereunder:



WEB COPY

“I wish to inform you that one R.Sivasanthanam S/o Ramalingam of Chennai has given a petition in the ref 3rd cited, where in he has stated that an extent of Ac 0.4 ½ cents of land comprised in S.No.298/1A2A of Anakaputhur Village, Alandur Taluk, Kancheepuram District is under occupation of National Highways Department. He has also stated that an extent of 0.01 cent situated in the above survey number was acquired for Chennai - Maduravoyal bye pass during the year 1989 and at the time of field work done by the National Highways Department the above said land of extent 0.4 ½ cents was occupied by the National Highways Department. Stating all the above facts, the petitioner has requested compensation for the said land.

Award 4/1989

Verification of Award No.4/1989 reveals that Survey No 298/1A2A (Patta No.768) Plot No 81 admeasuring an extent of 0.01 cents land was acquired from Tmt Venkatalakshmi W/o. Krishnamurthy. Compensation amount of Rs 564/- was also paid to the land owner and necessary entry also made in the Original Document

Tmt Venkatalakshmi W/o Krishnamurthy purchased the above land (ie) plot No.81 for an extent of 2388 sqft or 5.5 cents (lay out approved No DDTP 127/1972) from M/S.SVL. Real Estates vide, Doc. No.2589/1975. Subsequently Tmt. Venkatalakshmi W/o Krishnamurthy sold the balance land of 4.5cents after land acquisition of 0.01 cents to the Petitioners Thiru Sivasandanam S/o Ramalinga Nadar (1) Thiru. Balakrishna S/o Aathi Nadar vide, Sale Deed No.3118/1994. The Petitioner Approached the Tahsildar Tambaram for Patta transfer to his name in the year 2003, and the Petition was rejected by Tahsildar Tambaram stating that the land is covered in the National Highways Bypass Road.

In the reference 5th and 6th cited, the RDO Tambaram and Tahsildar Alandur have stated that the petitioner land is used by National Highways Department and they can acquire the land through private negotiation.

Present Patta also stands registered in the name of petitioners vendor Tmt. Venkatalakshmi W/o Krishnamurthy vide Patta No.1356 New survey No.298/7 (Old Survey No.298/1A2A) for the extent of 0.02.0 Ares.

On Verification of above records, the field in question was not covered in the above Award No.4/1989. Hence necessary



action may be taken to acquire the above land through private negotiation as per National Highways act, 1956.”

7. A reading of the above communication makes it clear that the 1st respondent had advised the 3rd respondent to acquire the subject land in terms of private negotiation. However, no steps were taken by the 3rd respondent till date.

8. In view of the above, this Court feels that it would be appropriate to direct the 3rd respondent to acquire the subject land either by following due process of law or by way of private negotiation with the petitioners. Accordingly, the 3rd respondent is directed to acquire the subject land by way of private negotiation with the petitioners, failing which, the 3rd respondent shall determine the compensation, for the extent of 4.5 cents of land, in terms Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation, and Resettlement Act, 2013 and pay the same to the petitioners within a period of 3 months from the date of receipt of a copy of this order.

9. With the above directions, this writ petition is disposed of. No cost. Consequently, the connected miscellaneous petitions are also closed.

10-03-2026

nsa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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KRISHNAN RAMASAMY J.
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