



W.A(MD)Nos.273 & 274 of 2026

WEB CODE BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**W.A(MD)Nos.273 & 274 of 2026
and
C.M.P(MD)Nos.2853 & 2854 of 2026**

1.W.A(MD)No.273 of 2026:

1.National Highways Authority of India,
Ministry of Road Transport and Highways,
G5 and 6, Sector 10, Dwarka,
New Delhi -110 075.

2.The Deputy General Manager (T) and Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.1, Aishwaryam Heights,
Indira Nagar, Sennamanaickenpatti,
Thadikombu Road,
Dindigul – 624 004.

... Appellants/Respondents 1 & 3

vs.



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WEB COURT

1.S.Rudhra Devi,
Daughter of Late Subramani,
At No. 5/30, Neelagoundanpatti,
Kallimandhayam,
Oddanchatram Taluk,
Dindigul District -624616.

2.S.Jayalakshmi,
Daughter of Late Subramani,
At No. 5/30, Neelagoundanpatti,
Kallimandhayam,
Oddanchatram Taluk,
Dindigul District -624616.

... Respondents 1 & 2/Petitioners

3.The District Revenue Officer (Land Acquisition),
Competent Authority Land Acquisition Under NH Act,
National Highways -209,
(Oddanchatram Bypass),
Collector Officer Complex,
Dindigul – 624 004.

4.The Divisional Engineer,
National Highways Division,
19A, Jawahar Street,
Madurai - 625 020.

... Respondents 3 & 4/Respondents 2 & 4

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 16.07.2025 made in W.P(MD)No.12485 of 2024 on the file of this Court.

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For Appellants

: Mr.P.Karthick

For Respondents

: Ms.AL.Gandhimathi (R1 & R2)
Senior Counsel
for Mr.C.Mahadevan

: Mr.A.Kannan (R3 & R4)
Additional Government Pleader

2.W.A(MD)No.274 of 2026:

1.National Highways Authority of India,
Ministry of Road Transport and Highways,
G5 and 6, Sector 10, Dwarka,
New Delhi - 110 075.

2.The Project Director,
National Highways Authority of India,
Project Implementation Unit,
No.1, 2nd Floor, Subramaniapuram 3rd Street,
Karaikudi,
Sivagangai District.

... Appellants/Respondents 1 & 3

vs.

1.N.K.Santhakumari alias Santha Solarajan,
W/o.A.Solairajan,
Raj-Priya No.32, 5th Cross,
Bible Church Road,
Vijaya Bank Colony,
Banaswadi,
Bengaluru -560043.

... 1st Respondent/Writ Petitioner



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2.The Special District Revenue Officer
(Land Acquisition),
Competent Authority Land Acquisition under NH Act,
National Highways 49,
Collector Office Complex,
Ramanathapuram – 623 503.

... 2nd Respondent/2nd Respondent

PRAYER : Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 16.07.2025 made in W.P(MD)No.1507 of 2022 on the file of this Court.

For Appellant : Mr.P.Karthick

For Respondents : Ms.AL.Gandhimathi (R1)
Senior Counsel
for Mr.C.Mahadevan

: Mr.A.Kannan (R2)
Additional Government Pleader

COMMON JUDGMENT

[Judgment of the Court was made by N.SATHISH KUMAR, J.)

Challenging the order passed by the learned Single Judge in W.P.(MD) Nos.12485 of 2024 and 1507 of 2022 respectively, dated 16.07.2025, whereby the base date for determination of compensation was



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changed from the date of notification in the Official Gazette dated 15.02.2012 and 29.03.2012 respectively to the date of publication of the notification in the newspapers dated 05.04.2012 and 01.06.2012 respectively, and the matter was remanded back to the authorities to refix the compensation by taking the base date as the date of publication of the notification in the newspapers, the respondents 1 and 3, as appellants, have filed the present Writ Appeals.

2.It is the case of the writ petitioners that the properties owned by them were acquired for the extension of the National Highways and a notification was issued under Section 3A of the National Highways Act, 1956, which was published in the Official Gazette on 15.02.2012 and 29.03.2012. Subsequently, in W.P.(MD)No.12485 of 2024, paper publication was made in The New Indian Express and Dina Mani on 05.04.2012 and in W.P.(MD)No.1507 of 2022, paper publication was made in The New Indian Express and Dina Thanthi on 01.06.2012. Thereafter, the notification under Section 3D(1) of the Act was published in the Official Gazette on



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31.08.2012 and 02.01.2013 respectively, and publication through newspapers was made on 01.06.2013 and 23.02.2013 respectively. The competent authority passed awards on 30.12.2013 and 13.08.2014 respectively, fixing the base value as on the date of the notification published in the Official Gazette. The learned Single Judge, while setting aside the said orders, remanded the matter for refixation of compensation by taking the date of publication of the notification in the daily newspapers, namely 05.04.2012 and 01.06.2012 respectively, as the base date for determining the quantum of compensation. Challenging the same, the present Writ Appeals have been filed.

3.The main contention of the learned Senior Counsel appearing for the appellants is that, as per Section 3G(7) of the National Highways Act, 1956, the market value of the land as on the date of publication of the notification under Section 3A of the Act alone has to be taken into consideration. Therefore, when the notification was published earlier in the Official Gazette, the competent authority has rightly taken the base date as



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the date of publication in the Official Gazette. Hence, according to the learned Senior Counsel, the direction issued by the learned Single Judge to take the base date as the date of publication of the notification in the newspapers is not correct.

4.Heard the learned counsel appearing on either side and perused the materials placed on record.

5.The dates of publication of the notifications in the newspapers in both the Writ Petitions are not in dispute. The only issue that arises for consideration is with regard to the fixation of the base date, namely whether it should be the date of publication of the notification in the Official Gazette or the date of publication of the notification in the newspapers.

6.The main contention of the appellants is that the base date for determining the market value should be taken as the date of publication of the notification under Section 3A of the Act.



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7. Section 3G(7) of the National Highways Act, 1956 reads as follows:

“(7) The competent authority or the arbitrator, while determining the amount under sub-section (1) or sub-section (5), as the case may be, shall take into consideration—
(a) the market value of the land on the date of publication of the notification under Section 3A;
(b) the damage, if any, sustained by the person interested at the time of taking possession of the land by reason of the severing of such land from other land;
(c) the damage, if any, sustained by the person interested at the time of taking possession of the land by reason of the acquisition injuriously affecting his other immovable property in any manner, or his earnings;
(d) if, in consequence of the acquisition of the land, the person interested is compelled to change his residence or place of business, the reasonable expenses, if any, incidental to such change.”

8. Section 3A of the National Highways Act, 1956 deals with the power to acquire land, which reads as follows:



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“3A. Power to acquire land, etc.—

(1) Where the Central Government is satisfied that for a public purpose any land is required for the building, maintenance, management or operation of a national highway or part thereof, it may, by notification in the Official Gazette, declare its intention to acquire such land.

(2) Every notification under sub-section (1) shall give a brief description of the land.

(3) The competent authority shall cause the substance of the notification to be published in two local newspapers, one of which shall be in a vernacular language.”

9. Section 3A of the Act stipulates the manner in which such a notification is to be published. Though the Government may initially publish the notification in the Official Gazette, the publication cannot be said to be complete unless the mandatory procedure prescribed under Section 3A of the Act is fully complied with. Mere publication in the Official Gazette alone



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cannot be treated as complete publication, particularly when land is sought to be acquired. Section 3A(3) of the Act clearly mandates that the substance of the notification must also be published in two local newspapers, one of which shall be in a vernacular language. Therefore, the contention of the learned counsel appearing for the appellants cannot be accepted.

10. The very purpose of fixing the market value as on the date of publication of the notification under Section 3A of the Act makes it clear that such publication must be a complete and proper publication as contemplated under the Act, including publication in the newspapers as mandated under Section 3A(3) of the Act. Only upon such publication in the newspapers can it be said that the notification has been effectively brought to the notice of the affected landowners and the public. Therefore, when such publication was effected only on the later dates, namely 05.04.2012 and 01.06.2012, the same have to be treated as the base dates for fixing the market value. Hence, we do not find any merit in these Writ Appeals.

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11. Accordingly, these Writ Appeals are dismissed. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

[N.S.K.,J.] [M.J.R.,J.]
06.03.2026

NCC : Yes / No
Index : Yes / No
ps

To

1. The District Revenue Officer (Land Acquisition),
Competent Authority Land Acquisition Under NH Act,
National Highways -209,
(Oddanchatram Bypass),
Collector Officer Complex,
Dindigul – 624 004.

2. The Divisional Engineer,
National Highways Division,
19A, Jawahar Street,
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N.SATHISH KUMAR,J.
and
M.JOTHIRAMAN,J.

ps

ORDER MADE IN
W.A(MD)Nos.273 & 274 of 2026

DATED : 06.03.2026

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