



“A STUDY ON THE CONSTITUTIONAL VALIDITY OF ACQUISITION OF PROPERTY UNDER THE TAMIL NADU HIGHWAYS ACT, 2001”

AUTHOR - ROHIT K, LL.M SCHOLAR AT THE TAMILNADU DR. AMBEDKAR LAW UNIVERSITY, SCHOOL OF EXCELLENCE IN LAW, CHENNAI

BEST CITATION - ROHIT K, “A STUDY ON THE CONSTITUTIONAL VALIDITY OF ACQUISITION OF PROPERTY UNDER THE TAMIL NADU HIGHWAYS ACT, 2001”, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 5 (10) OF 2025, PG. 353-362, APIS – 3920 – 0001 & ISSN – 2583-2344

CHAPTER I: INTRODUCTION

BACKGROUND OF LAND ACQUISITION IN INDIA

Land acquisition in India has historically served as a key instrument of the state to facilitate public infrastructure development, industrialisation, and urban expansion. Beginning with the colonial Land Acquisition Act, 1894, the state assumed broad powers to acquire private land for what it deemed as 'public purpose'. This Act, however, became a tool for displacement, often without just compensation, especially for marginalised communities like tribal groups and small farmers. Post-independence, while the 1894 Act remained in force, concerns grew over arbitrary acquisition and lack of rehabilitation measures. In response, the state introduced a series of sector-specific laws, such as the Tamil Nadu Highways Act, 2001 (TNHA), which aimed to expedite road infrastructure projects. These statutes, though beneficial for development, raised significant concerns regarding fairness, transparency, and the adequacy of safeguards for affected landowners. The legislative evolution reflects the growing tension between economic development and protection of individual property rights, thus necessitating a constitutional re-evaluation³⁶⁸.

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³⁶⁸ "Land Acquisition and Compensation in India" By P.K. Sarkar

RESEARCH OBJECTIVES:

This study seeks to investigate the constitutional validity of land acquisition provisions under the Tamil Nadu Highways Act, 2001. The primary objectives are:

- (1) to assess the procedural and substantive fairness of TNHA in light of constitutional rights;
- (2) to compare TNHA with the LARR Act, 2013, and other state-specific legislations;
- (3) to evaluate judicial interpretations of key provisions of the Act; and
- (4) to suggest reforms to align TNHA with constitutional principles.

METHODOLOGY

Methodologically, the study adopts a doctrinal approach, examining primary sources such as statutes, constitutional provisions, and case law. Secondary sources include academic commentary, government reports, and policy analyses. Comparative legal analysis will be employed to benchmark TNHA against LARR and other state laws. Judicial trends will be analysed through landmark decisions of the Supreme Court and High Courts. The research adopts a rights-based lens, focusing on how TNHA impacts affected persons, especially vulnerable populations.

Scope and limitations of the study:

This study is confined to examining the land acquisition provisions under the Tamil Nadu Highways Act, 2001, and their consistency with the Indian Constitution. It focuses specifically on Articles 14, 21, and 300A, and the doctrine of eminent domain. The scope includes comparative analysis with the LARR Act, 2013, and review of relevant judicial pronouncements. However, the study is limited in certain respects. It does not cover other aspects of highway development such as environmental impacts or urban planning considerations. Empirical fieldwork is excluded due to the doctrinal nature of the study. Additionally, while the study

considers judgments up to 2025, subsequent judicial developments are outside its purview. The findings may also be context-specific and not necessarily applicable to other state acquisition laws without modification. Despite these limitations, the study aims to provide a comprehensive constitutional analysis of TNHA's acquisition framework and its implications for property rights.

2. HISTORICAL PERSPECTIVE:

2.1 Evolution of property rights – from a fundamental right to a constitutional right

Initially, the right to property was protected as a fundamental right under Articles 19(1)(f) and 31 of the Indian Constitution. This status empowered individuals to challenge state acquisition and assert procedural protections. However, due to political pressures and developmental exigencies, the state found these provisions restrictive. The 44th Constitutional Amendment Act of 1978 marked a turning point by repealing Article 19(1)(f) and Article 31 and introducing Article 300A, which merely guarantees that no person shall be deprived of property except by authority of law. This downgraded property from a fundamental to a constitutional right, thereby curtailing judicial scrutiny and allowing greater state discretion. Although the amendment removed the obligation for just compensation, courts have interpreted Article 300A as requiring fairness and public purpose. The evolution signifies a shift in balance from individual entitlements to collective welfare, warranting closer scrutiny of how statutes like TNHA conform to constitutional mandates.

2.2 Purpose of the Tamil Nadu Highways Act, 2001 (TNHA)

The TNHA was enacted to streamline and facilitate the development, maintenance, and management of highways in Tamil Nadu. Its primary objective is to empower the state to acquire land efficiently for highway-related projects including national and state highways, bypass roads, and bridges. The Act seeks to

bypass the protracted procedures of the Land Acquisition Act, 1894 by introducing a simplified process of notification, vesting, and compensation. It provides legal mechanisms for planning, acquisition, control of access, and eviction of encroachments on highways. While the Act contributes significantly to infrastructure growth, critics argue that it sacrifices due process and fair compensation in the name of expediency. Unlike the LARR Act, 2013, the TNHA does not mandate Social Impact Assessment (SIA), public hearings, or consent from affected communities, raising serious constitutional concerns. The objective of facilitating faster land acquisition must thus be balanced against the constitutional requirement of fairness and justice.³⁶⁹

2.3 Importance of examining the constitutional validity of TNHA provisions

The constitutional validity of the TNHA is vital because it directly affects the rights of individuals whose land is subject to acquisition. Since the right to property, though no longer fundamental, remains protected under Article 300A, any law permitting deprivation of property must satisfy the criteria of legal authority, public purpose, and fairness. TNHA's provisions on immediate vesting, limited procedural safeguards, and differential compensation raise questions under Articles 14, 21, and 300A. Further, the absence of mechanisms like SIA and consent provisions diverges from the LARR Act, 2013, creating a fragmented legal landscape. Judicial scrutiny of such state laws is necessary to maintain the integrity of constitutional principles. This examination also addresses the broader question of whether infrastructure development can bypass procedural safeguards, and if so, to what extent. Therefore, analysing the TNHA through a constitutional lens helps ensure that state actions remain within the bounds of law and justice.

CHAPTER 3: THE TAMIL NADU HIGHWAYS ACT, 2001 – KEY ASPECTS

The Tamil Nadu Highways Act, 2001 (TNHA) was enacted with the primary objective of consolidating and regulating the development and maintenance of highways in the state of Tamil Nadu. It grants powers to the state government and its officers to acquire land required for road construction, expansion, and maintenance in a timely and efficient manner. The Act reflects a shift from the more procedural and centrally governed land acquisition processes to a state-specific mechanism aimed at accelerating infrastructure development.³⁷⁰

3.1 Objectives and Purpose of the TNHA

The TNHA was framed to provide a self-contained legal regime that enables faster acquisition of land for the purpose of building and improving highways, bypassing the detailed and time-consuming procedures under the Land Acquisition Act, 1894. Its stated aim is to ensure smoother connectivity and transportation infrastructure by providing legal authority for land acquisition and delineating responsibilities of the concerned authorities. The Act attempts to strike a balance between public purpose and administrative convenience, albeit often at the cost of procedural safeguards.

3.2 Key Provisions Relating to Land Acquisition

Section 15 of the TNHA empowers the government to acquire land by issuing a notification in the Official Gazette, declaring the intention to acquire land for highway purposes. Objections to such notification can be filed within 15 days of publication, which are to be considered by the designated highway authority. However, this time limit is significantly shorter than that provided under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,

³⁶⁹ <https://www.sconline.com/blog/post/2023/05/23/supreme-court-upholds-validity-of-tamil-nadu-highways-act-2001-legal-news/>

³⁷⁰ <https://www.livelaw.in/supreme-court/supreme-court-tamil-nadu-highways-act-2001-rfctlarr-act-presidents-assent-228367>

2013 (LARR Act), thereby raising concerns of due process.³⁷¹

Section 19 deals with the determination of compensation. It states that compensation should be calculated based on market value, along with damages caused due to severance and injurious affection. However, there are no elaborate provisions for taking into account factors such as the value of standing crops, loss of livelihood, or rehabilitation, as provided under the LARR Act.

Section 20 provides for reference to the court if the person interested is dissatisfied with the amount of compensation awarded. This resembles the provision under Section 18 of the old Land Acquisition Act, 1894, but does not establish a dedicated forum or tribunal for speedy disposal of such claims, often resulting in delayed justice.³⁷²

3.3 Administrative Procedures and Authorities Under the Act

The TNHA designates the Highways Department as the nodal agency, with powers distributed between the Collector, Special District Revenue Officer (Highways), and other designated officials. These authorities handle notification, hearing of objections, determination of compensation, and eventual vesting of land in the government. The vesting of land takes place soon after the declaration of acquisition, limiting the opportunity for the landowner to challenge the process meaningfully.

3.4 Distinct Features of TNHA Compared to General Acquisition Laws

A notable feature of the TNHA is the immediate vesting of land upon acquisition notification and the absence of pre-acquisition procedures like Social Impact Assessment (SIA) or public consultation, which are mandatory under the LARR Act, 2013.³⁷³ Additionally, the TNHA does not

provide for rehabilitation and resettlement of affected families, creating a stark divergence from the welfare orientation of national legislation. This raises concerns regarding procedural fairness, compensation adequacy, and constitutional compliance under Articles 14, 21, and 300A of the Constitution.

CHAPTER 4: PROVISIONS OF LARR ACT IN COMPARE WITH TNHA

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (LARR Act) marked a transformative shift in India's legal framework on land acquisition. Enacted to replace the Land Acquisition Act of 1894, it was designed to ensure that land acquisition for development is conducted in a manner that is fair, participatory, and just, particularly for affected landowners and vulnerable communities. It aims to strike a balance between the government's developmental goals and the rights of individuals over their property.

4.1 Background and Objectives of LARR Act, 2013

The LARR Act was passed in response to widespread discontent over forced acquisitions, inadequate compensation, and displacement without resettlement or rehabilitation. It was motivated by large-scale land-related conflicts that had begun to impact infrastructure and industrial projects. The core objective of the Act is to ensure fair compensation, transparency in the acquisition process, and adequate rehabilitation and resettlement of those affected by land acquisition. The Act acknowledges land as a source of livelihood and not merely as a commodity, thereby incorporating social and human rights concerns into its statutory framework.

4.2 Safeguards have been introduced

Social Impact Assessment (SIA)

One of the most significant provisions of the LARR Act is the Social Impact Assessment mandated under Sections 4 to 7. SIA aims to

³⁷¹ Tamil Nadu Highways Act, 2001, Section 15

³⁷² Tamil Nadu Highways Act, 2001, Section 20

³⁷³ LARR Act, 2013, Chapter II – Social Impact Assessment and Public Purpose.

evaluate the likely impact of the land acquisition on families, livelihoods, and the environment. It must be carried out in consultation with Gram Sabhas and includes the preparation of a Social Impact Management Plan.³⁷⁴ This assessment ensures that the decision to acquire land is not merely administrative but also considers socio-economic consequences.

Public Hearing and Consent

The Act mandates public hearings and, in certain cases, consent from affected families. For acquisitions by private companies or public-private partnerships (PPP), consent from 80% of affected families (in the case of private companies) and 70% (for PPP projects) is mandatory. This provision enhances democratic participation and reduces arbitrariness, ensuring landowners are not coerced or misled.

Enhanced Compensation Norms

The compensation under the LARR Act is determined by taking the market value and multiplying it by a factor (up to 2 times in urban areas and up to 4 times in rural areas), along with solatium and other allowances under Section 30 and the First Schedule.³⁷⁵ This calculation ensures that landowners are not deprived of the real value of their land, unlike earlier practices that undervalued land, especially in rural areas.

Rehabilitation and Resettlement

The Act provides a comprehensive rehabilitation and resettlement (R&R) package for affected families, as outlined in the Second and Third Schedules.³⁷⁶ It includes provisions for housing, employment, transportation allowances, and livelihood assistance, making it a rights-based approach to acquisition. This aspect makes the LARR Act one of the most progressive land acquisition laws globally.

Application and Exceptions – Section 105 and Its Implications

Section 105 of the Act initially excluded 13 Acts (mostly relating to railways, highways, defense, etc.) from the purview of the LARR Act.³⁷⁷ However, in 2015, the Central Government extended provisions related to compensation and rehabilitation to these Acts through a notification. Despite this, procedural safeguards like SIA and consent are still not applicable to these Acts, including the Tamil Nadu Highways Act, 2001 (TNHA), unless separately adopted by the respective state governments.³⁷⁸ This creates a dual regime in land acquisition law, where safeguards vary based on the governing statute.

Comparison with TNHA – Procedural and Substantive Gaps

The TNHA, as a state-specific law, lacks several core protections provided under the LARR Act. Notably:

- No SIA or public consultation is required before acquisition.
- Consent of affected persons is not mandated.
- Compensation norms are based on older, less generous formulas.
- Rehabilitation and resettlement provisions are absent.
- Immediate vesting of land under TNHA often occurs before adjudication of objections, violating due process.

CHAPTER 5: CONSTITUTIONAL CONCERNS WITH THE TN HIGHWAYS ACT, 2001

The Tamil Nadu Highways Act, 2001 (TNHA) has been widely critiqued for its procedural and constitutional deficiencies. While aimed at expediting highway development, the Act raises serious concerns regarding due process, fair

³⁷⁴ LARR Act, 2013, Sections 4–7.

³⁷⁵ Ibid, Section 30 and First Schedule

³⁷⁶ Ibid, Second and Third Schedules

³⁷⁷ LARR Act, 2013, Section 105 and Schedule IV

³⁷⁸ Ministry of Rural Development, Notification dated 28.08.2015 under Section 105(3).

compensation, and equal treatment, thereby potentially violating several constitutional guarantees under Articles 14, 21, and 300A of the Indian Constitution.

5.1 Lack of Procedural Safeguards under TNHA

The TNHA does not incorporate critical procedural protections such as Social Impact Assessment (SIA), public consultation, or consent mechanisms. Unlike the LARR Act, 2013, which mandates SIA and prior consent in specified cases, the TNHA allows for acquisition through a relatively non-transparent and bureaucratic procedure. Affected persons are typically not given a real opportunity to influence the process or challenge the necessity of acquisition. The absence of detailed hearings and comprehensive stakeholder participation deprives landowners of meaningful participation in decisions affecting their property rights.³⁷⁹

5.2 Arbitrary Vesting of Land without Complete Adjudication

One of the most troubling aspects of the TNHA is the provision under Section 20, which allows for immediate vesting of land with the government upon issuance of a declaration under Section 19, even before compensation is finalized or disputes are adjudicated. This premature transfer of ownership violates the principle that no person shall be deprived of their property except through due process and just compensation, as interpreted under Article 300A.³⁸⁰

5.3 Differential Treatment – Violation of Article 14

The coexistence of the TNHA and the LARR Act has resulted in a dual framework for land acquisition within Tamil Nadu. In some cases, land is acquired under the LARR Act with robust safeguards, while in others, the TNHA is invoked, bypassing those protections. This leads to arbitrary and unequal treatment of similarly

placed individuals, violating the equality clause under Article 14.³⁸¹ The selective application of acquisition statutes based on administrative convenience undermines the rule of law and introduces discrimination.

5.4 Insufficient Compensation – Undermining Article 300A

The TNHA does not adopt the enhanced compensation formula provided under the LARR Act, which considers market value multipliers, solatium, and allowances. As a result, compensation awarded under the TNHA may be substantially lower than that under central law, raising issues of inadequate compensation and unjust deprivation of property under Article 300A.⁶

5.5 Due Process Concerns under Article 21

Acquisition of land significantly impacts the right to livelihood, which is protected under Article 21. The TNHA's failure to provide SIA, consent, and rehabilitation results in displacement without safeguards, violating the due process component of Article 21.³⁸² The absence of alternative housing or livelihood arrangements particularly affects marginalized groups, making the process unjust and arbitrary.

5.6 Analysis of "Authority of Law"

Although TNHA is a "law" enacted by a competent legislature, judicial interpretation of Article 300A clarifies that the law must be fair, just, and non-arbitrary. In *K.T. Plantation v. State of Karnataka*, the Supreme Court held that any law depriving a person of property must satisfy substantive due process. The procedural flaws in TNHA call into question whether it meets this standard, thereby jeopardizing its constitutional legitimacy.

³⁷⁹ Tamil Nadu Highways Act, 2001, Sections 15–17

³⁸⁰ Article 300A, Constitution of India.

³⁸¹ Article 14, Constitution of India; See *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75.

³⁸² Article 21, Constitution of India; *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.

CHAPTER 6: JUDICIAL PRONOUNCEMENTS AND INTERPRETATIONS

Judicial interpretation plays a crucial role in delineating the constitutional boundaries of land acquisition laws in India. Particularly, courts have addressed the meaning of Article 300A—which states that no person shall be deprived of their property except by authority of law—and have scrutinized laws like the Tamil Nadu Highways Act, 2001 (TNHA) for compliance with constitutional mandates. Through key rulings, both the Supreme Court and various High Courts have shaped the jurisprudence surrounding property rights, fair compensation, and procedural fairness.

K.T. Plantation v. State of Karnataka³⁸³ – Defining “Authority of Law”

In *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, the Supreme Court held that Article 300A, although not a fundamental right, still required that any law depriving a person of property must not be arbitrary, must serve a public purpose, and must be accompanied by just, fair, and reasonable compensation. The Court emphasized that the phrase “authority of law” implies not only a statutory enactment but one that conforms to constitutional principles of fairness and non-arbitrariness. This case elevated substantive due process into the interpretation of Article 300A.

State of Tamil Nadu v. L. Krishnan³⁸⁴ – Land Acquisition Finality under TNHA

In *State of Tamil Nadu v. L. Krishnan*, the Madras High Court upheld the acquisition process under the TNHA, stating that once the Section 19 declaration is published, the land automatically vests with the State under Section 20, and cannot be reversed. However, the judgment attracted criticism for overlooking the lack of procedural safeguards and absence of adequate mechanisms for objection and hearing, raising serious questions under Articles 14 and 21.

³⁸³ K.T. Plantation Pvt. Ltd. v. State of Karnataka, (2011) 9 SCC 1.

³⁸⁴ State of Tamil Nadu v. L. Krishnan, (2007) 4 CTC 1 (Madras HC).

Bajaj Hindustan Ltd. v. Sir Shadi Lal Enterprises – Fair Compensation and Public Purpose

In *Bajaj Hindustan Ltd. v. Sir Shadi Lal Enterprises Ltd.*, the Supreme Court reiterated that land acquisition must be for a genuine public purpose, and the process must ensure fair compensation.³⁸⁵ The case underscored that economic development must not be pursued at the cost of fundamental fairness, stressing a balanced approach between State needs and individual rights.

Madras High Court’s Stance on Procedural Gaps in TNHA

The Madras High Court has, in multiple instances, acknowledged the procedural infirmities in the TNHA, particularly the absence of participatory mechanisms and inadequate compensation norms.³⁸⁶ In cases involving contested acquisitions, the Court has often stressed the need for equitable treatment and procedural fairness, especially when fundamental rights are implicated.

Effect of Conflicting Judgments and Evolving Jurisprudence

The divergence in judicial approaches has led to inconsistent interpretations regarding the constitutional validity of TNHA provisions. While some courts have upheld TNHA for being a law enacted by a competent legislature, others have criticized its procedural and substantive gaps. This judicial flux calls for a harmonized approach, emphasizing the constitutional mandate of fairness, equality, and due process, especially when the right to property intersects with livelihood and shelter.

CHAPTER 7: COMPARATIVE LEGISLATIVE AND POLICY ANALYSIS

The Tamil Nadu Highways Act, 2001 (TNHA), though a functional legislation for expeditious land acquisition, diverges in significant ways from the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation

³⁸⁵ Bajaj Hindustan Ltd. v. Sir Shadi Lal Enterprises Ltd., (2011) 1 SCC 640.

³⁸⁶ G. Kuppuswamy v. State of Tamil Nadu, (2010) 4 MLJ 897.

and Resettlement Act, 2013 (LARR Act). A comparative legislative and policy analysis helps contextualize TNHA's limitations and highlights the need for reform through the lens of constitutional equity, procedural fairness, and federal cooperation.

Comparison with LARR Act, 2013

The LARR Act represents a paradigm shift from previous acquisition models. It mandates Social Impact Assessment (SIA), ensures free, prior, and informed consent from affected populations (particularly for private and PPP projects), and provides for enhanced compensation, rehabilitation, and resettlement. In contrast, TNHA contains no provisions for SIA, consent, or resettlement, raising concerns about procedural inadequacy and unfairness. The LARR Act further ensures participation of Gram Sabhas, recognizes multi-dimensional impacts of displacement, and mandates rehabilitation prior to displacement. These safeguards are absent in TNHA, which treats land primarily as a resource for infrastructure, not accounting for the socio-economic repercussions of acquisition.

CHAPTER 8: COMPARISON WITH OTHER STATE-SPECIFIC LAWS

States like Maharashtra and Gujarat have introduced land acquisition laws that either extend the provisions of the LARR Act or supplement it through procedural rules. For instance, Maharashtra's rules under LARR include detailed processes for SIA and consent. Gujarat, while fast-tracking projects, has also integrated mechanisms for participatory hearing and grievance redressal.³⁸⁷ Tamil Nadu, however, has retained the TNHA without significant amendments, creating a two-tier framework: progressive LARR-based procedures for some projects and older, expedited processes under TNHA for others. This uneven application breeds legal uncertainty and

undermines the uniformity intended under the LARR Act.

CHAPTER 9: CENTRE VS. STATE LEGISLATIVE COMPETENCE

Land acquisition is listed in the Concurrent List (List III), enabling both Centre and States to legislate.³⁸⁸ However, in the event of a conflict between a central and a state law, Article 254³⁸⁹ of the Constitution provides that the central law shall prevail unless the state law has received presidential assent. Although TNHA was enacted prior to LARR, its continued application post-2013 raises interpretive conflicts regarding repugnancy. Some argue that since TNHA addresses a "special subject" (highways), it does not conflict with the LARR Act's general provisions. Others argue that core constitutional requirements like due process and fair compensation apply universally and cannot be excluded based on legislative competence.

Harmonisation Challenges and Cooperative Federalism

The duality of land acquisition regimes undermines cooperative federalism. States bypass LARR by invoking special legislations like TNHA, diluting the national consensus on fair compensation and rehabilitation. Harmonisation would require either amending special laws to conform to LARR standards or framing a central override mechanism. Without uniformity, the constitutional promise of equality under Article 14 is compromised as similarly situated persons face different legal outcomes.

CHAPTER 10: RECOMMENDATIONS AND REFORMS

To ensure TNHA complies with constitutional principles and modern standards of justice, specific statutory reforms and institutional safeguards must be implemented.

³⁸⁷ Government of Maharashtra, Land Acquisition Rules, 2014; Government of Gujarat, Land Acquisition Rules, 2016.

³⁸⁸ Constitution of India, Schedule VII, List III, Entry 42.

³⁸⁹ <https://www.livelaw.in/supreme-court/supreme-court-tamil-nadu-highways-act-2001-rfclarr-act-presidents-assent-228367>

Need for Statutory Amendments

TNHA must be amended to include procedural and substantive safeguards in line with Articles 14, 21, and 300A. This includes incorporating provisions for public consultation, transparent compensation mechanisms, and fair adjudication. Current provisions allowing for immediate vesting without comprehensive hearings are at odds with the principles of natural justice and must be reconsidered.³⁹⁰

Suggestions for Reform

- 1. Incorporate Social Impact Assessment (SIA):** Making SIA mandatory under TNHA will align it with LARR and ensure acquisitions do not disproportionately harm vulnerable populations.
- 2. Enhance Transparency in Compensation:** The method of compensation calculation must be made public, with affected parties granted access to valuation reports and a chance to contest them. Provisions for market-based valuation and multipliers used in LARR should be adopted.
- 3. Participatory Procedures and Consent:** Implement mandatory public hearings, especially in tribal and rural areas, and obtain consent for private and PPP projects, mirroring LARR's provisions.
- 4. Grievance Redressal Mechanisms:** A robust system must be developed for aggrieved landowners to challenge acquisition decisions and compensation before an independent appellate authority.

Role of Judiciary and Civil Society

The judiciary must adopt a more active role in scrutinizing acquisitions under TNHA, especially where they deviate from constitutional benchmarks. Meanwhile, civil society organizations should continue to document, litigate, and publicize instances of procedural

violations and rights infringements. Public awareness campaigns, legal aid, and participatory platforms can further democratize the land acquisition process and ensure accountability.

CHAPTER 11: CONCLUSION

The analysis of the Tamil Nadu Highways Act, 2001 (TNHA) reveals significant procedural and constitutional deficiencies in the framework governing land acquisition for highway development in Tamil Nadu. While the Act was enacted to expedite infrastructure projects, it does so by bypassing several essential safeguards that are critical for ensuring justice and fairness to affected individuals. One of the most glaring omissions in the TNHA is the absence of a Social Impact Assessment (SIA), which is a core element of the LARR Act, 2013. The TNHA also fails to provide for prior consent, public hearings, or adequate grievance redressal mechanisms, thereby denying affected persons meaningful participation in the acquisition process. The immediate vesting of land under Section 20 without completion of full adjudication is another critical area of concern, as it allows the state to assume ownership without finalising compensation or hearing objections. These procedural shortcuts have constitutional implications. The TNHA's provisions often fall short of satisfying the requirements of Article 14 (right to equality), Article 21 (right to life and personal liberty), and Article 300A (protection of property). The lack of transparency and participation violates the due process component of Article 21, while the arbitrary application of different acquisition laws to similar circumstances breaches the equality guarantee of Article 14. Furthermore, inadequate and opaque compensation mechanisms potentially infringe upon the right to property under Article 300A, as interpreted by the Supreme Court in multiple judgments. While there is no denying the importance of highways and public infrastructure for economic growth and regional connectivity, such development must not come at the cost of constitutional

³⁹⁰ *K.T. Plantation Pvt. Ltd. v. State of Karnataka*, (2011) 9 SCC 1.

values and individual dignity. A truly democratic legal system does not sacrifice the rights of the vulnerable in pursuit of economic goals. The principle of proportionality demands that the means adopted to achieve public purpose such as land acquisition must be least restrictive of individual rights and proportionate to the ends sought. Balancing these competing imperatives requires the adoption of a rights-based framework, wherein acquisition is not just a bureaucratic exercise but a negotiated and just process. This includes ensuring fair compensation, rehabilitation, participation, and post-acquisition support. In this regard, the LARR Act sets a high standard that can serve as a benchmark. The TNHA, in its current form, reflects a state-centric model that prioritises expedience over justice. Unless reformed, it risks deepening social inequities and fostering mistrust between the state and its citizens.

REFERENCE:

- Tamil Nadu Highways Act, 2001 Cannot Be Invalidated On Ground
- "Supreme Court Upholds Procedural Compliance in Land Acquisition under Tamil Nadu Highways Act, 2001" – CaseMine
- "Supreme Court upholds validity of Tamil Nadu Highways Act, 2001" – SCC Online blog
- M.P. Jain, Constitution of India.
- Ministry of Rural Development, Notification dated 28.08.2015 under
- "Land Acquisition and Compensation in India" By P.K. Sarkar.

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