



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR
and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Appeal (MD) Nos.506 to 509 of 2013
and
MP (MD) Nos. 1 & 2 of 2013

Meenaramasubbulakshmi ... Appellant in W.A.No.506/2013

Palayamkottai - Trivandrum Road Building
Owners Welfare Association (Regn.No.9/2012)
through its Secretary,
M.S.Vallikannu
No.50, Trivandrum Road,
Palayamkottai,
Tirunelveli 627 002.

... Appellant in W.A.No.507/2013

M.Rajendran ... Appellant in W.A.No.508/2013
Sudalaimuthu ... Appellant in W.A.No.509/2013

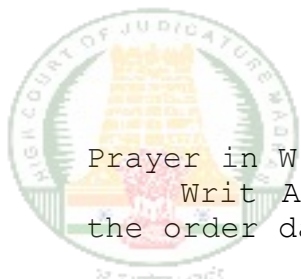
Vs.

1. The Secretary to Government,
Department of State Highways and
Small Harbours,
Fort St., George,
Chennai.2. The Chief Engineer,
Tamil Nadu State Highways Department,
Chennai.3. The Divisional Engineer,
Tirunelveli Division,
State Highways Department,
Tirunelveli.4. The District Collector/Land Acquisition Officer,
Tirunelveli District,
Tirunelveli.5. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

... Respondents in all petitions

Prayer in W.A.(MD)No.506 of 2013:

<https://hcservices.ecourts.gov.in/hcservices/>Writ Appeal is filed under Clause 15 of the Letters Patent against
the order dated 18.04.2013 made in W.P.(MD)No.4588 of 2012.



Prayer in W.A.(MD)No.507 of 2013:

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.04.2013 made in W.P.(MD)No.4591 of 2012.

Prayer in W.A.(MD)No.508 of 2013:

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.04.2013 made in W.P.(MD)No.4590 of 2012.

Prayer in W.A.(MD)No.509 of 2013:

Writ Appeal is filed under Clause 15 of the Letters Patent against the order dated 18.04.2013 made in W.P.(MD)No.4589 of 2012.

Writ Petition (MD)No. 4588, 4591, 4590, 4589 / 2012 :

There Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned notification of the fourth Respondent herein in Na.Ka.J2/80154/2008, dated 07-02-2012 published in the daily News Paper "Dinamalar" dated 17-02-2012 and quash the same and further forbearing the Respondents from taking any steps in pursuance of the notification of the fourth Respondent dated 07-02-2012 published in the daily news paper "Dinamalar" dated 17-02-2012.

For Appellants : No appearance

For Respondents 1-5 : Mr.B.Pugalendhi,
Special Government Pleader.

JUDGMENT

(Judgment of the Court was delivered by R.SUDHAKAR,J)

None appears for the appellants on account of boycott.

2.The writ appeals are directed against the common order passed by the learned single Judge in W.P(MD)Nos.7757, 3616, 7417 and 4588 to 4591 of 2012, dated 18.04.2013.

3.The appellants/writ petitioners challenged the notification dated 07.02.2012 published in Dinamalar by the District Collector cum Land Acquisition Officer, Tirunelveli calling upon the land owners to show cause as to why the land should not be acquired in the above said writ petitions.

4.Considering the rival submissions made on either side and taking note of the counter affidavit filed by the District Collector that he would hear the objections raised by the appellants/writ petitioners with respect to the violation of Section 8 of the Tamil Nadu Highways Act, 2001, the writ petitions were disposed of. For the sake of convenience, it is pertinent to extract the relevant portion of the order of the learned single Judge as under:-

"6.The petitioners have no case that the District Collector has no authority to issue a notification under Sub-Section (2) of Section 15 of the Act. The only objection appears to be on account of violation of Section 8 of the Act. The District Collector has now agreed to consider such objection during the course of enquiry. Such being the

position, there is no need for an adjudication of the issues raised before this Court in the present writ petitions. In fact, the writ petitions are too premature. The District Collector should be given reasonable time to conduct enquiry with respect to the objection raised by the petitioners including the objection regarding violation of Section 8 of the Act".

5. In view of the above, we are not inclined to interfere with the order passed by the learned single Judge which only requires that procedure prescribed by law should be followed. Accordingly, the writ appeals are dismissed. No costs. Consequently, M.P(MD)Nos.1 and 2 of 2013 are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Department of State Highways and
Small Harbours,
Fort St., George,
Chennai.
 2. The Chief Engineer,
Tamil Nadu State Highways Department,
Chennai.
 3. The Divisional Engineer,
Tirunelveli Division,
State Highways Department,
Tirunelveli.
 4. The District Collector/Land Acquisition Officer,
Tirunelveli District,
Tirunelveli.
 5. The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- + 4 CC TO M/S.D.NALLATHAMBI, ADVOCATE IN SR NO. 57059

SMS
TE/JGB/ : 29/10/2015 : 3P/10C

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and
MP (MD) Nos. 1 & 2 of 2013
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