

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2016

CORAM :

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

W.P.No.18817 of 2016
and W.M.P.No.16423 of 2016

A.Ramaraj

... Petitioner

vs.

1. The District Collector,
Namakkal.

2. The District Revenue Officer,
Namakkal.

3. The Divisional Engineer,
Highways, Namakkal.

... Respondents

Prayer:- Writ petition filed under Article 226 of the constitution of India praying for a writ of mandamus forbearing the respondents herein from acquiring the land, especially well existing in land acquisition proceedings over the SF No.252/6, Reddipatti Village, Namakkal District, by considering the representation of the petitioner herein dated 30.04.2016.

For Petitioner : Mr.R.Nalliyappan
For Respondents : Mr.Rm.Muthukumar,
Government Advocate
ORDER

The Government does not want objection or no objection from the land owners whenever the lands are acquired for infrastructure building exercises.

2. Here is the case wherein the petitioner contends that his property comprised in S.F.No.252/6 has a well in it and it supplies water to the lands for cultivation and he has got no-objection for acquiring the lands comprised in SF Nos.252/3, 252/7A, 252/7B and 252/7C and infact the authorities erected stones in the property of the petitioner comprised in SF No.252/7B. Without going by the original route, all of a sudden, the authorities changed the alignment and as a result, the properties comprised in SF No.252/6 where the well is situated is sought to be acquired. If well is acquired, cultivation will be affected and therefore he has raised

objection through his representation dated 30.04.2016 to exempt the land comprised in SF No.252/6 of Reddipatti Village, Namakkal District from acquisition. Since the said representation is not disposed of by the respondents, the petitioner has come before this court.

3. Heard Mr.R.Nalliyappan, learned counsel for the petitioner and Mr.Rm.Muthukumar, learned Government Advocate appearing for the respondents.

4. The outer-ring roads are formed based on the expert's opinion and all of a sudden, the route cannot be changed. Merely because the petitioner has got a well in the property which is sought to be acquired for formation of the road, that cannot be a ground to prevent the authorities from acquiring the land. If such an order is passed, it will be against the interest of the nation. If everybody intends to object the acquisition and in one pretext or the another, no acquisition proceedings could be completed and no development can be achieved by the Government. Therefore, there cannot be a direction to prevent the authorities from exercising their statutory power of acquiring the lands for public purpose. The representation given by the petitioner is against the public policy and therefore the said representation cannot be and should not be considered. Thus, the petition lacks merits.

5. In view of the above said circumstances, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar
सत्यमेव जयते

rgr

To

1. The District Collector,
Namakkal.

2. The District Revenue Officer,
Namakkal.

WEB COPY

3. The Divisional Engineer,
Highways, Namakkal.

+1 cc to Mr.R.Nalliyappan Advocate sr.29440
+1 cc to Government Pleader sr.29833

W.P.No.18817 of 2016

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