

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No.8113 of 2017
and WMP Nos.8884 and 8885 of 2017

1. Jayaraman
2. Thulasi
3. Gopala Krishnan ...Petitioners

Vs.

1. The State, of Tamil Nadu,
Rep by its Secretary,
Highways Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
Villupuram District.
3. The District Revenue Officer,
Land Acquisition Officer,
Villupuram.
4. The Divisional Engineer,
Highways Department,
State Highways Department,
Cuddalore. ...Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of India, to issue a writ or direction or order or any other writ in the nature of writ of certiorari, calling for the records of the impugned notice passed by the 3rd respondent herein R.C.No.B1/1515/2009 dated 24.02.2017 published through an advertisement in the English Daily Newspaper "New Indian Express" dated 09.03.2017, in so far as the properties of the petitioners are concerned, which is cited as items No.5 in the impugned notice, pertaining to properties in Tindivanam Taluk, Tindivanam S.No.156/7, New T.S.No.41/2 to an extent to 235 sq meter.

For Petitioners : Mr.D.Ravichander
For Respondents : Mr.S.Diwakar
Special Government Pleader.

O R D E R

The petitioners whose lands are sought to be acquired under the Tamil Nadu Highways Act, 2001 (hereinafter referred to as "the Act"), has come forward to file this writ petition challenging the impugned notice issued under Section 15(2) of the Act.

2.The learned counsel appearing for the petitioners would submit that without proceeding with the acquisition proceedings initiated earlier and without complying with the order passed by this Court, a fresh proceedings has been initiated. By the proposed action the ingress and egress to the house of the petitioners is sought to be obstructed to.

3.The learned Special Government Pleader would submit that the petitioners have been issued with the public notice under section 15(2) of the Act. Therefore, the petitioners have to give their objections and appear for the enquiry scheduled to be held today (06.04.2017).

4.By way of reply, the learned counsel appearing for the petitioners would submit that an objection has already been given on 17.03.2017 and therefore the respondent concern may be directed to look into the same before complying with Sections 15 (3) and 15(1) of the Act.

5.Section 15(2) of the Act is in the nature of show cause notice requiring a party to show cause as to why the lands owned by them could not be acquired. Therefore, the petitioners cannot be aggrieved over the the said notice. In the case on hand, the petitioners are said to have given their objections on 17.03.2017. If that is the case, the respondents after considering the cause, will have to pass an order under Sub-Section (1) of Section 15 of the Act. What is challenged before this Court is not a decision under Section 15(1) of the Act.

6.In such view of the matter, the writ petition filed is premature. However, if the objections of the petitioners are received as per law, the respondent concerned shall consider it, while passing an order under Section 15(3) of the Act. The petitioners are also at liberty to appear before the respondent concerned for enquiry scheduled to be held on today (06.04.2017). It is needless to state that till the process is completed under Sections 15(1) and 15(3) of the Act, Status quo as on today in so far as the possession has to be maintained.

7.With the above said observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

To

1. The Secretary, State of Tamil Nadu,
Highways Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
Villupuram District.
3. The District Revenue Officer,
Land Acquisition Officer,
Villupuram.
4. The Divisional Engineer,
Highways Department,
State Highways Department,
Cuddalore.

+1cc to Mr.D. Ravichander, Advocate Sr. 20672

WRIT PETITION No.8113 of 2017
and WMP Nos.8884 and 8885 of 2017

VGI (CO)
VR(21/4/2017)

WEB COPY