

IN THE HIGH COURT OF JUDICATURE AT MADRAS
Dated : 15.11.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE P.VELMURUGAN

W.A No.1377 of 2014

Hindustan Bible Institute and College
A Society registered under the Tamil Nadu Societies Act,
Rep. by its Secretary,
No.86-89, Medavakkam Tank Road,
Kilpauk, Chennai - 600 010.

...Appellant

Vs

1.The Government of India,
Rep. by its Secretary,
National Highways Department, New Delhi.

2.The Competent Authority cum
District Revenue Officer,
National Highways, Thiruvallur District.

3.Special Tahsildar,
National Highways,
Thiruvallur District, Thiruvallur.

....Respondents

Prayer:- Writ Appeal filed under clause 15 of Letters Patent,
against the order made in W.P.No.34958 of 2002 dated 16.10.2012.

WP.No.34958 of 2002: Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Certiorari
calling for the impugned notification of the Second respondent
dated 09.07.2002 vide S.O.No.715(E) and quash the same in so far
as petitioner's lands comprised in Survey No.79/1A2 to the
extent of 13.5 hectares found place in the said notification as
Serial No.3.

For Appellant : Mr.Selvaraj for
M/s.Devadason and Sagar

For Respondents: Mr.J.Madanagopal Rao
SCGSC for R1
Mrs.A.Srijayanthi, Spl.G.P.
for R2 and R3

J U D G M E N T

K.K. SASIDHARAN, J.

The writ petition filed by the appellant challenging the land acquisition proceedings initiated under the National Highways Act was dismissed by the learned single Judge. Feeling aggrieved, the land owner has come up with this intra court appeal.

2. The land owned by the appellant in Survey No.79/1A of Azhingivakkam Village, Ponneri Taluk, Tiruvallur District was acquired by the competent authority under the National Highways Act for widening National Highways 5 in Tiruvallur District. The competent authority issued notice to the appellant. The appellant in its written statement contended that the details of the land proposed to be acquired were not given and as such, it would not be possible to submit a comprehensive representation against the acquisition.

3. The competent authority appears to have recorded that the details of the land sought to be acquired would be given in the notification issued under Section 3A of the National Highways Act. Thereafter, Declaration under Section 3D of the National Highways Act was issued. The Declaration is challenged on the ground that description of the land was not correctly recorded and as such, opportunity was not given to submit a detailed representation.

4. The learned single Judge dismissed the writ petition on the ground that the land acquisition has attained finality and as such, it would not be proper to interfere at a later point of time.

5. The learned counsel for the appellant contended that the objection given by the appellant was negatived on the ground that correct measurement, area and boundaries of the land would be informed to the appellant at the time of issuing notification under Section 3A of the National Highways Act. According to the learned counsel, the competent authority was expected to indicate the details of the land even before issuing declaration and the failure to give the particulars would cause prejudice to the appellant.

6. The competent authority under the National Highways Act initiated proceedings for acquisition of large extent of land for widening NH -5 in Chennai - Vijayawada Division. The notification issued under Section 3A of the National Highways Act, dated 9 July 2002 indicates the land sought to be acquired from the appellant. The appellant in the statement submitted to

the competent authority contended that details of the land was not given and as such, it would not be possible to give an effective reply.

7. We have perused the notification under Section 3 A of the National Highways Act issued by the competent authority. The notification contained a statement that the sketch and the plan of the land mentioned in the notice are kept with the competent authority for inspection of the interested persons. It would not be possible for the Government to publish the map along with the notification. It was only to enable the land owners to verify the details of the land sought to be acquired, the sketch and the plan were kept in the office of the competent authority. The appellant has no case that no such plan was available. The appellant is making use of the statement made by the Special Tahsildar that the details of the land would be given in the Notification issued under Section 3 A of the National Highways Act. The said statement cannot be taken to hold that the sketch and the plan were not kept in the office of the competent authority for inspection of the interested persons like the appellant. There is no challenge to the statement contained in the notice with regard to publication of sketch and the plan. We are therefore of the view that there is absolutely no merit in the contention taken by the appellant that on account of the failure to give details of the land, statement of objection could not be filed.

8. There are no other contentions taken before us by the appellant. Since we are satisfied that the sketch and plan of the land sought to be acquired from the appellant were kept with the competent authority for inspection, there is no question of quashing the notification under Section 3A of the National Highways Act at this point of time.

9. In the up shot, we dismiss the intra court appeal. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
The Government of India,
National Highways Department, New Delhi.

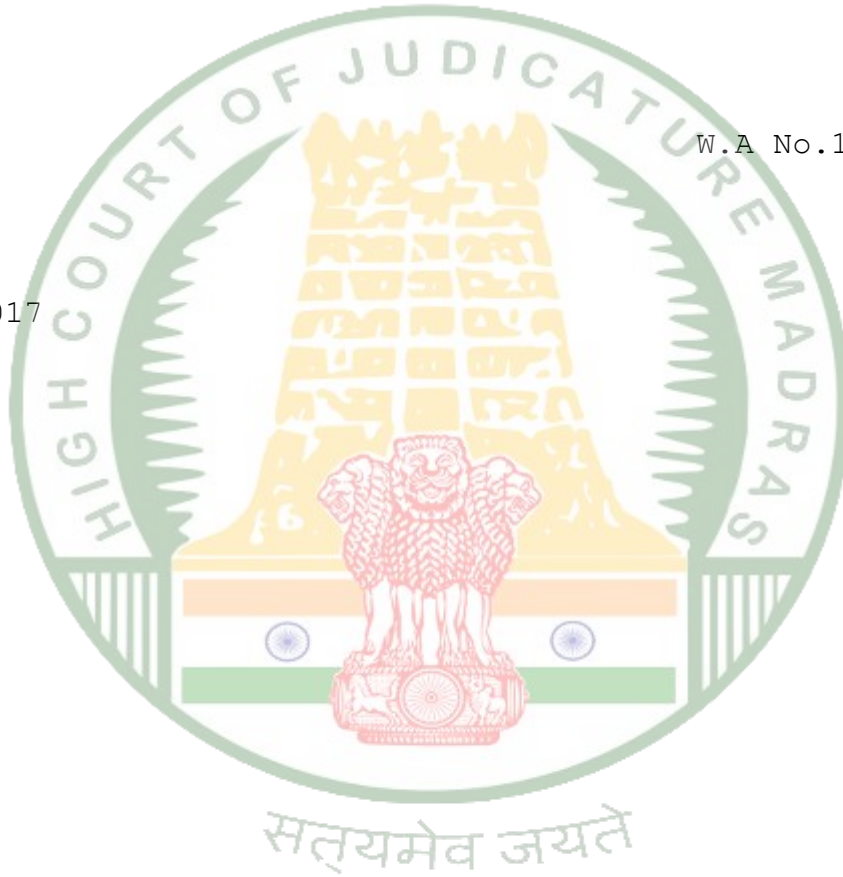
2.The Competent Authority cum
District Revenue Officer,
National Highways,Thiruvallur District.

3.Special Tahsildar,
National Highways,
Thiruvallur District, Thiruvallur.

+1 cc to Govt Pleader sr 81691
+1 cc to M/s.Devadason Advocate sr 81260
+1 cc to Mr.J.Madanagopal Rao Advocate sr 81116

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