

Reserved on : 22.08.2017

Delivered on : 29.08.2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2017

CORAM

THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.28920 of 2016 and
W.M.P.Nos.24994 & 24995 of 2016

P.Mohan ... Petitioner

Vs.

1.The Land Acquisition Officer
and District Revenue Officer,
Salem.

2.The Government of Tamil Nadu
rep by the Secretary to Government,
Highways and Minor Ports Department,
Fort St. George, Chennai - 600 009.

3.The District Collector,
Salem District. Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records of the respondent relating to the notification issued in G.O.(D).No.269, Highways and Minor Ports (HP1) dated 31.12.2013 which was published in Tamil Nadu Government Gazette dated 05.02.2014 in respect of the petitioner's land measuring 0.3900.0 sq.mt. in S.No.60/4B in Kurumbapatty Village, Edappadi Taluk, Salem District and quash the said notification in respect of the above said land.

For Petitioner : Mr.P.Jagadeesan

For Respondents : Mr.V.Ayyadurai,
Additional Advocate General
assisted by Mr.S.Diwakar,
Special Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorari calling for the records of the respondent relating to the notification dated 31.12.2013, which was published in Tamil Nadu Government Gazette dated 05.02.2014,

in respect of the petitioner's land measuring 0.3900.0 sq.mt. in S.No.60/4B in Kurumbapatty Village, Edappadi Taluk, Salem District and quash the said notification in respect of the above said land.

2.The brief case of the petitioner is as follows:

(i)According to the petitioner, he is the owner of the agricultural land measuring an extent of 1.28.0 Hectares in Survey No.60/4B2 in Kurumbapatty Village, Edappadi Taluk, Salem District. The respondents proposed to acquire an extent of 0.3900.0 square meters out of the total extent of 1.28.0 Hectares for highways road formation in Edappadi By-pass Road branching at K.M. 128 of Sankari Edappadi Road and join at K.M.23/2 at Kumarapalayam, Edappadi Road (Via) Edappadi-Magundenchavadi Road, Edappadi-Jalagandapuram-Mecheri Road and Edappadi-Poolampatty-Mettur R.S. Road in Salem District.

(ii)The 1st respondent issued a show cause notice under Section 15(2) of the Tamil Nadu Highways Act, 2001 calling for objections for the proposed acquisition of the petitioner's land measuring 0.3900.0 hectares in Survey No.60/4B2 in Kurumbapatty Village. In response to the notice, the petitioner sent his objection to the 1st respondent. The petitioner objected for the proposed acquisition on the ground that his agricultural land is the only source of income for his family. Further, due to the acquisition, his land would be divided into two parts and a portion of the un-acquired land became useless for agricultural purpose. Initially, the officers of the respondent had measured the petitioner's neighbour Vaiyapuri's land for the proposed acquisition. The said Vaiyapuri is a wealthy and powerful man and he objected for the acquisition of his lands and therefore, the respondents have changed the direction of the road, which is totally illegal and arbitrary.

(iii)The 1st respondent sent the objections of the petitioner to the Highways Department and called for the remarks. The 1st respondent, after receiving the remarks of the Highways Department, conducted an enquiry on 10.05.2013 and filed his inspection report dated 11.05.2013 and thereafter, passed the final order on 21.06.2013 under Section 15(3) of the Act, rejecting all the objections. The notification under Section 15(1) of the Act was published in Government Order dated 31.12.2013, which was published in the Tamil Nadu Government Gazette on 05.02.2014. Thereafter, notice under Section 15(1) (2) and (3) of the Act was given to the petitioner proposing to hold an enquiry for fixing the amount of compensation. The 1st respondent had passed the Award in Award No.3 of 2015 on 22.07.2015 and deposited the amount of compensation in Sub Court, Sankari. The 1st respondent has not taken any steps to take possession of the petitioner's land and that the petitioner is still in possession and enjoyment of the land sought to be acquired.

(iv) The petitioner, further, submitted that the Highways Department has not taken possession of his land so far. In the reply affidavit, the petitioner has stated that only a small portion of the land was acquired from Vaiyapuri's land. In these circumstances, the petitioner has filed the present Writ Petition.

3. The brief case of the 1st respondent is as follows:

(i) According to the 1st respondent, to ease traffic congestion and to avert fatal accidents and pollution and the interest of public, the Government had accorded sanction for formation of Bye-pass road by the Government Order in G.O.Ms.No.119, dated 24.10.2011. Pursuant to the same, under the provisions of Tamil Nadu Highways Act and Tamil Nadu Highways Rules, in terms of Rule 5, show cause notices were issued to the land owners under Section 15(2) of the Act and public notice was published in two daily Newspapers as required under Section 15(2) of the Act. Having received the show cause notices, the petitioner and ten others filed their objections to the proposed acquisition. After getting the remarks of the Requisitioning Department, a personal hearing to the objectors was provided on 10.05.2013. The objectors appeared for enquiry and they were enquired.

(ii) The respondent had inspected the lands on 11.05.2013 with regard to the objections. After examining all the records, the objections of the land owners were rejected vide proceedings dated 21.06.2013. Necessary proposals were sent to the Government for passing orders under Section 15(1) of the Act. The Government, after considering all the facts, issued orders under Section 15(1) of the Act in G.O.(D0.No.269, Highways and Minor Ports (HP1) Department, dated 31.12.2013. The same was published in the Tamil Nadu Government Gazette on 05.02.2014. Thereafter, the Award enquiry notice in Form-6 dated 13.06.2015 was issued to the land owners calling upon them to attend the Award enquiry on 22.06.2015. The petitioner has not appeared for the Award enquiry. After the completion of the Award enquiry, the Award was passed by the 1st respondent on 22.07.2015. Since the petitioner has not chosen to receive the compensation, the amount so determined was deposited into the Sub Court, Sankari in accordance with the provisions of Section 22(3) of the Act. The possession of the acquired lands, including the petitioner's land was handed over to the Highways Department on 30.10.2015.

(iii) The formation of the Bye-pass road is under progress to a length of 4.10 Km Phase-I. At this juncture, the petitioner has filed the Writ Petition and obtained interim order of status quo, thereby, stalling a public project for the benefit of the society at large. All procedural formalities are followed in accordance with the provisions of Act and Rules by issuing notices and affording opportunities, including personal hearing. While forming a road, the lands which fall within the alignment could not be avoided owing to

faulty road geometry such as many curves that would endanger the traffic. The acquired lands would be severed due to alignment designed as per IRC Standards for smooth flow of traffic and satisfying all technical feasibility. The property of Vaiyapuri is also involved in the acquisition. Once the Award is passed, the acquisition process cannot be put to challenge by filing a Writ Petition. Once a public purpose is not challenged, the petitioner cannot challenge the acquisition proceedings, which are valid under law. The 1st respondent has conducted the enquiry as per the rules. There was apparently no reason why the Writ Petitioner waited till 2016 to approach this Court challenging the validity of the notifications issued in 2014. The Writ Petition is liable to be dismissed on the ground of laches. The petitioner has not given any explanation why this Writ Petition was filed after the entire process of acquisition was over. In these circumstances, the 1st respondent prays for dismissal of the Writ Petition.

4. Heard Mr.P.Jagadeesan, learned counsel appearing for the petitioner and Mr.V.Ayyadurai, learned Additional Advocate General appearing for the respondents.

5. Mr.P.Jagadeesan, learned counsel appearing for the petitioner submitted that the order passed by the 1st respondent on 21.06.2013 under Section 15(3) of the Act is erroneous for the reason that he has no jurisdiction to pass the order under Section 15(3) of the Act, in view of the provisions of Rules 5(4) and 5(5) of the Tamil Nadu Highways Rules, 2003. Further, the learned counsel submitted that the 1st respondent has not given the copy of the remarks of the Highways Department to the petitioner, which vitiates the entire acquisition proceedings. That apart, the learned counsel also submitted that the 1st respondent failed to consider the petitioner's objections that originally, the officers of the Highways Department inspected and surveyed one Vaiyapuri's land for the proposed acquisition. But the said Vaiyapuri objected for the same and hence, the Highways Department had deviated from the original proposal and sought to acquire the petitioner's land by avoiding Vaiyapuri's land and house. In these circumstances, the learned counsel submitted that the notification dated 31.12.2013, which was published in the Tamil Nadu Gazette on 05.02.2014, is liable to be quashed.

5.1. In support of his contentions, the learned counsel appearing for the petitioner relied upon the following judgments:

(i) AIR 1975 Supreme Court 1767 [Balwant Narayan Bhagde Vs. M.D.Bhagwat] wherein the Hon'ble Supreme Court held as follows:

"...

26. In a proceeding under the Act for acquisition of land all interests are wiped out.

Actual possession of the land becomes necessary for its use for the public purpose for which it has been acquired. Therefore, the taking of possession under the Act cannot be "symbolical" in the sense as generally understood in Civil Law.' Surely it cannot be a possession merely on paper. What is required under the Act is the taking of actual possession on the spot. In the eye of law the taking of possession will have the effect of transferring possession from the owner or the occupant of the land to the Government.

...

28. When a public notice is published at a convenient place or near the land to be taken stating that the Government intends to take possession of the land, then ordinarily and generally there would be no question of resisting or impeding the taking of possession. Delivery or giving of possession by the owner or the occupant of the land is not required. The Collector can enforce the surrender of the land to himself under Section 47 of the Act if impeded in taking possession. On publication of the notice under Section 9(1) claims to compensation for all interests in the land has to be made ; be it the interest of the owner or of a person entitled to the occupation of the land. On the taking of possession of the land under Sections 16 or 17 (1) it vests absolutely in the Government free from all incumbrances. It is, therefore, clear that taking of possession within the meaning of Ss. 16 or 17(1) means taking of possession on the spot. It is neither a possession on paper nor a "symbolical" possession as generally understood in Civil Law. But the question is what is the mode of taking possession ? The Act is silent on the point. Unless possession is taken by the written agreement of the party concerned the mode of taking possession obviously would be for the authority to go upon the land and to do some act which would indicate that the authority has taken possession of the land. It may be in the form of a declaration by beat of drum or otherwise or by hanging a written declaration on the spot that the authority has taken possession of the land. The presence of the owner or the occupant of the land to effectuate the taking, of possession is not necessary. No further notice beyond that under Section 9(1) of the Act is required. When possession has been taken the owner or the occupant of the land is dispossessed. Once possession has been taken the land vests in the Government."

Madras and others] wherein a Division Bench of this Court held that failure to pass Award within two years as stipulated in Section 11-A of the Land Acquisition Act would result in lapse of the entire proceedings.

6. Countering the submissions made by the learned counsel appearing for the petitioner, Mr. V. Ayyadurai, learned Additional Advocate General appearing for the respondents submitted that the order passed by the 1st respondent has culminated into an order published in Tamil Nadu Government Gazette dated 05.02.2014, which was passed by the Government only after having satisfied that the lands are required for Highways purpose for the formation of the Highways road, therefore, the petitioner's contention that the 1st respondent has passed the impugned order without jurisdiction is liable to be rejected. Further, the learned Additional Advocate General submitted that the lands belonging to Vaiyapuri, who is none other than the brother of the petitioner, was also acquired for the formation of the Highways road. That apart, the learned Additional Advocate General also submitted that in the petitioner's objections filed before the 1st respondent, he has not stated that the copy of the remarks of the Highways Department was not furnished to him and for the first time, he has raised this issue in the Writ Petition. Further, the learned Additional Advocate General submitted that when the order was passed as early as on 05.02.2014 and the respondents have also taken possession of the acquired lands and are in the process of laying the road, the petitioner chose to file the Writ Petition only on 09.08.2016, after a lapse of more than two and a half years, without assigning any reason. The learned Additional Advocate General also submitted that the petitioner has challenged the notification dated 05.02.2014 only after the passing of the Award in the proceedings.

6.1. In support of his contentions, the learned Additional Advocate General relied upon the following judgments:

(i) (2005) 7 Supreme Court Cases 627 [Hindustan Petroleum Corpn. Ltd., Vs. Darius Shapur Chenai and others] wherein the Apex Court held as follows:

"...

28. Although assignment of reasons is the part of principles of natural justice, necessity thereof may be taken away by a statute either expressly or by necessary implication. A declaration contained in a notification issued under Section 6 of the Act need not contain any reason but such a notification must precede the decision of the appropriate Government. When a decision is required to be taken after giving an opportunity of hearing to a person who may suffer civil or evil consequences by reason thereof, the same would mean an effective hearing."

(ii) 2015 (5) MLJ 641 [Veeyel Enterprises and Ors. Vs. State of Tamil Nadu and Ors.] wherein a Division Bench of this

Court held as follows:

"...

21. In the case on hand, a public notice was published in one English news paper "Deccan Chronicle" and in one Tamil newspaper "Makkal Kural" on 28.5.2013, which was displayed in the locality, as aforestated, on 29.5.2013. Thereafter, the said notice in the form of show cause was issued to the land owner on 31.5.2013. Any other person having interest in the land, as aforestated, means a person, who is in occupation or in possession or having title or ownership either jointly or separately. Sub-rule (2) of Rule 5 of the Rules, 2003 sets out how to deal with the objection, if any, received from the person interested in the land. The person interested, including the owner, is required to file objections within the time prescribed in the public notice, not from the date of receipt of the personal notice, as pleaded by the appellants.

...

25. Be that as it may, there is no dispute that on the date of enquiry, i.e., on 17.6.2013, the objection was placed before the competent authority and the same was duly considered and also the case of the appellants was duly represented through Mr. Subramanian, Managing Director of the first appellant. Thus, it may not be held that enquiry was conducted ex parte or without affording proper opportunity to the land owner or any other person to submit the objection and to produce evidence in support of the objection.

26. On a careful examination of the provision of Rule 5 of Rules, 2003 read with Section 15(2) of the Act, 2001, it is evident that fixing of the date is a consequential action. After completion of fifteen days from the date of receipt of public notice and also submission of the objection, if any, the enquiry is to be held. In the case on hand, the date was fixed in the public notice itself. However, the requisite time of fifteen days was granted before the date of enquiry. The Highways Department is also entitled to a copy of the objection to place its answer and also to depute a representative. However, the Highways Department has not shown any grievance in this respect that the Department could not place its answer to the objections properly. In normal course, the enquiry should be fixed after the receipt of the objection. However, in the case on hand, since the objection was received much before the date of enquiry and the appellants were aware of the date of enquiry and as such, the appellants were not prejudiced from any angle. The appellants had

sufficient time and opportunity to place their case before the Land Acquisition Officer in the enquiry. Thus, it cannot be held that for want of non-conforming to the sequence as contemplated under Rule 5(2), *ibid*, strictly by fixing the date of enquiry after receipt of the objection, a prejudice has been caused to the appellants. For this technical deficiency, we are of the considered opinion that the entire procedure cannot be held as perverse and vitiated.

....

27.

32. The provisions of the Act and the Rules mandatorily requiring notification or publication of the notice of the case after the Special Tribunal or the Special Court takes cognizance are procedural provisions and the law laid down by this Court in *State Bank of Patiala v. S.K. Sharma* is that violation of such procedural provisions will not vitiate the proceedings unless prejudice is caused to the party complaining of the violation. The respondents in the two cases before us not only had notice of the application under Section 7-A of the Act before the Special Tribunal but also filed their replies to the application and got the opportunity to adduce evidence in support of their case and had not suffered any prejudice for non-compliance with the provisions of the proviso to sub-section (4) of Section 7-A of the Act or Rule 7 of the Rules. The High Court was, therefore, not right in quashing the proceedings before the Special Tribunal in the present case on the ground that a notification or notice in terms of Rule 7(2) of the Rules had not been issued after the case was taken cognizance of by the Special Tribunal."

7. On a careful consideration of the materials available on record, the submissions and also the judgments relied upon by the learned counsel on either side, it could be seen that the lands were sought to be acquired for the formation of Highways Road in Edappadi Taluk, Salem District. The respondents issued the notice under Section 15(2) of the Tamil Nadu Highways Act read with Rule 5 of the Tamil Nadu Highways Rules, pursuant to the sanction order passed by the Government dated 24.10.2011 calling upon objections from the petitioner and also caused public notice published in two daily newspapers as required under Section 15(2) of the Act. After receiving the show cause notices, the petitioner and ten others submitted their objections to the proposed acquisition. After getting the remarks of the Highways Department (the Requisitioning Department), a personal hearing was given to

the objectors on 10.05.2013. The petitioner appeared for enquiry and he was enquired. The 1st respondent inspected the lands on 11.05.2013 with regard to the objections. After examining all the records and the objections of the land owners, the 1st respondent rejected the objections of the petitioner by order dated 21.06.2013.

8. On a perusal of the objection given by the petitioner's wife for the proposed acquisition, it could be seen that the petitioner has not averred a single word with regard to the non-furnishing of the copy of the remarks by the Highways Department. For the first time, now, the petitioner has raised this issue, that too, after the passing of the Award. After the order dated 21.06.2013, necessary proposals were sent to the Government for passing orders under Section 15(1) of the Act. After considering the order passed by the 1st respondent on 21.06.2013, the Government issued the order under Section 15(1) of the Act in G.O.(D).No.269, Highways and Minor Ports (HP1) dated 31.12.2013, which was published in Tamil Nadu Government Gazette No.5, Part II - Section 2, dated 05.02.2014.

9. On a perusal of the notification published in the Government Gazette, it is clear that the said notification was issued by the Government only after getting itself satisfied with regard to the proposed acquisition of the land for the formation of the Highways Road. Thereafter, notices were sent to the land owners in Form-6 dated 13.06.2015 to appear for the Award enquiry. However, the petitioner has not appeared for the Award enquiry. The 1st respondent, after completion of the Award enquiry, passed the Award on 22.07.2015. The 1st respondent has stated that the Writ Petitioner has not chosen to receive the compensation, hence, the compensation amount was deposited into the Sub Court, Sankari in accordance with the provisions of Section 22(3) of the Act. Further, the 1st respondent has specifically stated that the possession of the acquired lands, including that of the petitioner's land, was handed over to the Highways Department on 30.10.2015.

10. The learned Additional Advocate General also produced photographs to establish that the laying of road was in progress till an order of status quo was granted by this Court on 22.08.2016. The impugned notification was published in the Government Gazette on 05.02.2014 and the Award was passed on 22.07.2015 and possession was handed over to the Highways Department on 30.10.2015. Thereafter, the petitioner has filed the present Writ Petition on 09.08.2016 challenging the order dated 21.06.2013 passed by the 1st respondent and the Gazette publication on 05.02.2014. When the Government has considered the order passed by the 1st respondent dated 21.06.2013, thereafter, only on being satisfied with the findings of the 1st respondent, had passed the Government Order on 31.12.2013, which was published in the Government Gazette on 05.02.2014. Therefore, the publication in the Government Gazette by the

Government is in accordance with Rule 5(4) of the Tamil Nadu Highways Rules, 2003. In these circumstances, it cannot be stated that the lands were acquired only based on the order passed by the 1st respondent on 21.06.2013. When the Government had approved the order passed by the 1st respondent on 21.06.2013, by Government Order dated 31.12.2013, which was published on 05.02.2014, hence, it cannot be stated that the order passed by the 1st respondent is erroneous. Therefore, the order passed by the Government on 31.12.2013 should be construed as an order passed under Rule 5(4) of the Tamil Nadu Highways Rules. The lands acquired for the formation of Highways road in Edappadi Taluk is a public project for the benefit of the society at large.

11. It is not the case of the petitioner that only his land was acquired for the formation of the Highways road. Amongst other acquisition fields, the petitioner's land was also acquired for the formation of the Edappadi Bye-pass road. The lands were aligned as per IRC Standards for smooth flow of traffic, satisfying all technical feasibility. For the reason best known to the petitioner, he has suppressed the relationship between himself and one Vaiyapuri. In the affidavit filed in support of the Writ Petition, the petitioner has referred the said Vaiyapuri as "one Vaiyapuri". Admittedly, the said Vaiyapuri is the brother of the petitioner. The alignment of road was finalized by Experts, after taking into consideration various aspects and as per the norms of IRC. When the Experts have decided to align the road in a particular manner, this Court cannot interfere with reference to the alignment of any road formation. The respondent has also stated that while forming a road, the lands which fall within the alignment could not be avoided owing to faulty road geometry such as many curves that would endanger the traffic. The 1st respondent has specifically stated that the objections of the land owners, including the petitioner, were communicated to the Divisional Engineer, Highways Department and after obtaining the remarks, an enquiry was conducted on 10.05.2013 and field inspection was taken up by the respondent with regard to the objections of the land owners. The objection of the petitioner was examined in detail and was informed that the alignment approved by the Technical Committee comprising of Technical Experts cannot be changed as per the petitioner's request. In these circumstances, the entire acquisition proceedings was so done following all procedural formalities in accordance with the provisions of Act and Rules by issuing notices and affording opportunities, including personal hearing to the petitioner. Therefore, the contention of the petitioner is liable to be rejected.

12. Though the notification was issued under Section 15 (2) of the Act as early as on 07.12.2012, the 1st respondent passed the order on 21.06.2013 and the Government had passed the order on 31.12.2013, which was published in the Government

Gazette on 05.02.2014 and thereafter, the Award enquiry was conducted and Award was passed on 22.07.2015, the petitioner has filed the present Writ Petition only on 09.08.2016 (i.e.) after more than two and a half years from the date of issuance of notices under Section 15(2) of the Act. The petitioner has not stated any reason for not filing the Writ Petition immediately after the issuance of the impugned orders. Since the land was acquired for the formation of Highways for the public purpose, the petitioner cannot take his own time to challenge the order, that too, after the passing of Award and the amount being deposited before the Civil Court. In the absence of any reason assigned by the petitioner with regard to the lapses in filing the Writ Petition, the Writ Petition is also liable to be rejected on the ground of laches.

13. With regard to the issue of laches, the Hon'ble Supreme Court of India, in the following judgments, has held as follows:

(i) (1990) 2 SCC 268 [Vishwas Nagar Evacuee Plot ... vs Under Secretary, Delhi Admn and others]

"....
4. Coming to the question as to whether the petitioners were prompt in challenging the acquisition proceeding before the High Court, it is relevant to state that the first objection petition by the petitioners was filed in September, 1971, that is, more than two and half years after the publication of the notification under Section 6. The petitioners claim to have represented again in 1973, 1977 and 1978. Assuming their case to be correct that they had no information of the proceeding for acquisition of their lands before January, 1969 they should have acted promptly thereafter. There is no justification for them to, ignore the land acquisition proceedings for about two years and eight months when the letter marked as Annexure-P-5 (A) was sent to the Land Acquisition Collector, Tis Hazari in 1971. Even, thereafter, the appellants were not justified in not moving the High Court and sending representations at intervals of several years. The next letter is marked as Annexure-P-6(B) and is claimed to have been despatched in 1973. The other letters relied upon are Annexures-P-6(D) dated 29.10.1977 and P-6(E) dated 18.5.1978. It has been contended on behalf of the appellants that they received a reply, Annexure-P-6(F), dated 9th June, 1983 from the Deputy Director (New Leases), Delhi Development Authority, which after acknowledging the appellants' letter stated thus: "I am directed to inform you that you may apply to the Secretary, Land & Building Deptt., Delhi Admn., Vikas Bhavan, New Delhi for allotment of residential plot in lieu of your alleged plots." The petitioners do not claim to have made an application before the aforesaid authority as directed, and ignored the matter again

for more than three years before filing the writ petition in the High Court on 8.7.1986. The negligence on the part of the appellants for about two years and eight months between January, 1969 and September, 1971; four years between 1973 and 1977, and again for three years between 1983 and 1986 has remained unexplained. The finding of the High Court about laches, therefore, can not be held to be erroneous."

(ii) [Tukaram Kana Joshi & ors. through Power of Attorney Holder Vs. M.I.D.C.] wherein the Hon'ble Supreme Court held as follows:

"...

10. The State, especially a welfare State which is governed by the Rule of Law, cannot arrogate itself to a status beyond one that is provided by the Constitution. Our Constitution is an organic and flexible one. Delay and laches is adopted as a mode of discretion to decline exercise of jurisdiction to grant relief. There is another facet. The Court is required to exercise judicial discretion. The said discretion is dependent on facts and circumstances of the cases. Delay and laches is one of the facets to deny exercise of discretion. It is not an absolute impediment. There can be mitigating factors, continuity of cause action, etc. That apart, if whole thing shocks the judicial conscience, then the Court should exercise the discretion more so, when no third party interest is involved. Thus analysed, the petition is not hit by the doctrine of delay and laches as the same is not a constitutional limitation, the cause of action is continuous and further the situation certainly shocks judicial conscience."

14. Though there is no dispute with regard to the judgments relied upon by the learned counsel for the petitioner, since the facts and circumstances of the present case are different, the said judgments are not applicable to the present case.

15. In these circumstances, I do not find any merits in the Writ Petition and the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The Land Acquisition Officer
and District Revenue Officer,
Salem.

2.The Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St. George, Chennai - 600 009.

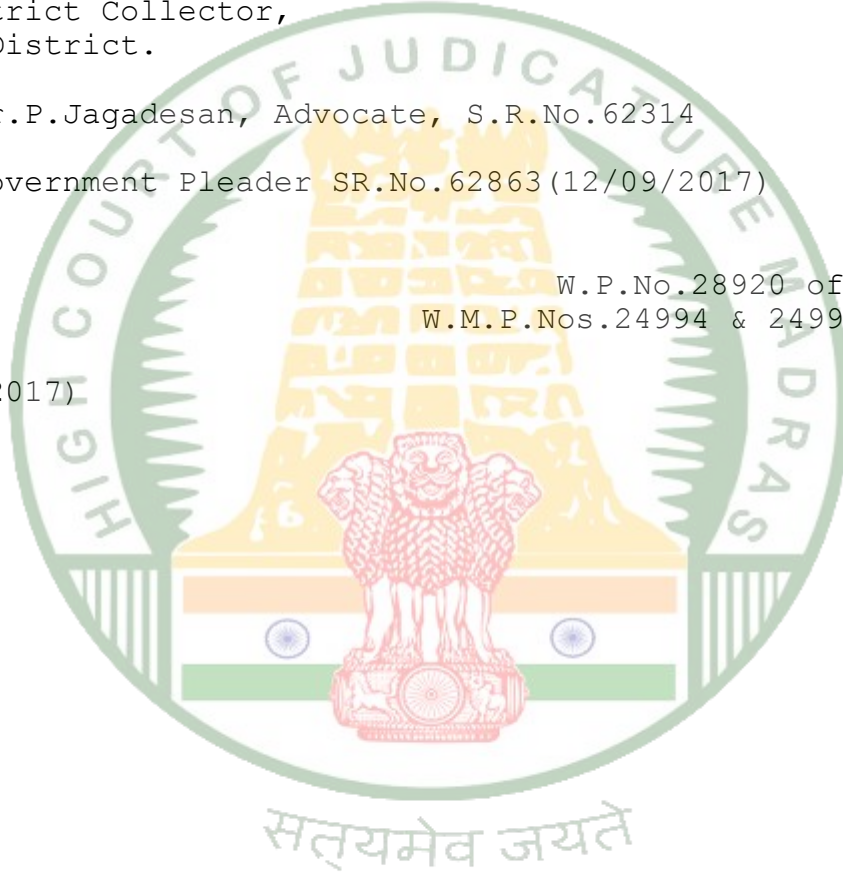
3.The District Collector,
Salem District.

+1cc to Mr.P.Jagadesan, Advocate, S.R.No.62314

+1cc to Government Pleader SR.No.62863(12/09/2017)

RSI (CO)
GN(12/09/2017)

W.P.No.28920 of 2016 and
W.M.P.Nos.24994 & 24995 of 2016



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