



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P (MD) No.19299 of 2016

and

W.M.P (MD) No.13917 of 2016

Jeyasingh Raj

... Petitioner

Vs.

1.The District Revenue Officer
(Land Acquisition - National Highways)
National Highways Authority of India
Tirunelveli.

2.The Project Director,
(Land Acquisition - National Highways)
National Highways Authority of India
Tirunelveli.

3.The Special Tahsildar,
(Land Acquisition - National Highways)
National Highways Authority of India
Valliyoor.

4.The Union of India
Rep. by Secretary to Government,
Road Transport and Highways Department,
New Delhi.

5.The District Collector,
Collector's Office,
Kanyakumari.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from acquiring additional area of land without due process of law and carry out the road widening operations in the additional area of land already acquired by the paper notification dated 12.04.2010 and subsequently issued compensation notification of acquisition area in the petitioner's land comprised in Survey No.796/1 in Thoivalai Village, Thoivalai Taluk, Kanyakumari District and not to demolish the superstructure put up in the said land.



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For Petitioner : Mr.P.Santhoshkumar
For Respondents : Mr.M.Alagathevan,-R1 to R3 & R5
Special Government Pleader
: Mr.C.Arulvadivel @ Sekar-R4

O R D E R

This writ petition has been filed, seeking to forbear the respondents from acquiring the additional area of land without due process of law for the purpose of road widening operations along with the area of land already acquired vide paper notification dated 12.04.2010, for which, the respondents subsequently issued a compensation notification of acquisition in respect of the petitioner's land comprised in Survey No.796/1 at Thoivalai Village, Thoivalai Taluk, Kanyakumari District, with the consequential direction not to demolish the superstructure put up in the said land.

2. Heard the learned Counsel on either side.

3. It is the case of the petitioner that the petitioner is the absolute owner of the land comprised in S.No.796/1, measuring to an extent of 77 cents at Thoivalai Village, Thoivalai Taluk, Kanyakumari District and a portion of the land was proposed to be acquired by the respondents for laying four way road. Subsequently, the petitioner came to know that the respondents are going to acquire the additional area of the land, belonging to the petitioner, in which, agricultural activities are going on. Therefore, the grievance of the petitioner is that the respondents, without giving any notification and without giving any opportunity of hearing, are attempting to acquire the land, which is nothing but arbitrary exercise of power. Though the petitioner has given a representation dated 28.09.2016, to the respondents in this regard, there is no response for the same. Therefore, the petitioner has come before this Court with the above said prayer.

4. At this juncture, the learned Government Advocate appearing for the second respondent filed a counter affidavit, wherein, in Paragraph No.8, it is stated as follows:

"The additional land of the petitioner would be acquired only if necessary and only under due process of law. If the additional area is acquired then fair compensation will be paid."

5. In view of the above statement made by the 2nd respondent in the counter affidavit, this writ petition is dismissed with a direction to the respondents to follow the mandatory requirements of the relevant provisions as undertaken in the counter affidavit and also pay the fair compensation to the



petitioner in the event of proceeding with the acquisition of the petitioner's land for the said purpose. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To:

- 1.The District Revenue Officer
(Land Acquisition - National Highways)
National Highways Authority of India
Tirunelveli.
- 2.The Project Director,
(Land Acquisition - National Highways)
National Highways Authority of India
Tirunelveli.
- 3.The Special Tahsildar,
(Land Acquisition - National Highways)
National Highways Authority of India
Valliyoor.
- 4.The Secretary to Government , Union of India,
Road Transport and Highways Department,
New Delhi.
- 5.The District Collector,
Collector's Office,
Kanyakumari.

+One cc to Mr.C.Arulvadivel @ Sekar, Advocate, SR.No.71882

+One cc to The Special Government Pleader, SR.No.72422

rm

RL/8C/3P/KK/SAR1/22/8/2017

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