



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 12.09.2017
CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.20341 of 2016 and
W.M.P.(MD) Nos.14545 to 14547 of 2017

Reliance Communications Limited,
Represented by its Authorised Signatory,
Mr.K.Sivaramakrishnan,
Reliance House,
No.6, Haddows Road,
Nungambakkam,
Chennai - 600 006.

... Petitioner

-vs-

1. Union of India,
Represented by Deputy Secretary,
Ministry of Road Transport and Highways,
G-5&6, Sector-10, Dwarka,
New Delhi - 110 075.

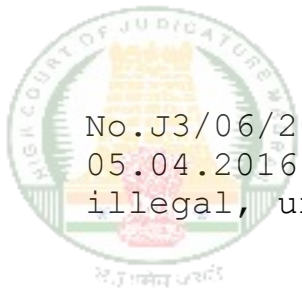
2. The Competent Authority cum
Special District Revenue Officer,
Land Acquisition National Highways Office,
Thirunelveli, No.314E, K.P.Road,
Parvathipuram, Nagercoil - 629 003.

3. The Deputy General Manager cum Project Director,
Project Implementation Unit,
National Highways Authority of India,
No.314E, K.P. Road, Near Ayyappan Koil,
Parvathipuram, Nagercoil - 629 003.

4. The Special Tahsildar
Land Acquisition - National Highways,
Unit No.1, Valliyoor, Radhapuram Taluk,
Tirunelveli district - 627 117.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records pertaining to the Acquisition notification No.S.O.670(E) dated 23.03.2010 published in the Extraordinary gazette of India by the 1st respondent and declaration No.S.O.438 (E) dated 23.02.2011 published in the Extraordinary gazette of India by the 1st respondent and consequential possession notice



No.J3/06/2010 dated 29.02.2016 received by the Petitioner on 05.04.2016 issued by the 2nd respondent and quash the same as illegal, unreasonable.

WEB COPY

For Petitioner	: No Appearance
For R2 & R3	: Mr.SU.Srinivasan, Asst. Solicitor General
For R1	: Mr.C.Nandagopal
For R4	: Mr.J.Gunaseelan Muthiah, Govt. Advocate

O R D E R

This writ petition has been filed, seeking to quash the Acquisition notification No.S.O.670(E) dated 23.03.2010 published in the Extraordinary Gazette of India by the 1st respondent and declaration No.S.O.438(E) dated 25.02.2011 published in the Extraordinary gazette of India by the 1st respondent and consequential possession notice No.J3/06/2010 dated 29.02.2016 received by the Petitioner on 05.04.2016 issued by the 2nd respondent.

2. It is the case of the petitioner-company that it is a part of Anil Dhirubai Ambani Group, which purchased the property situated at S.No.18/7, Patta No.1211 in Kanyakumari District and a notification was issued for acquiring the said land for the purpose of National Highways. The petitioner-company was not aware of the said acquisition and though several communications were exchanged between the petitioner-company and the respondents, the respondents issued possession notice without considering the objections of the respondents and also sought for bank details of the petitioner-company for depositing the compensation amount. The petitioner-company was informed vide letter dated 19.05.2016 to approach the District Collect for enhancement of the compensation. Therefore, aggrieved by the overall attitude of the respondents, the petitioner-company is before this Court with the above prayer.

3. The learned Assistant Solicitor General appearing for R2 & R3 would submit that this petition is *per se* not maintainable. He would further submit that the petitioner-company has neither challenged the award nor sought enhancement of compensation before the appellate authority.

4. Despite several opportunities granted to the petitioner-company, there is no representation on behalf of the petitioner to prosecute the case.

5. Considering the facts and circumstances of the case and in view of the submission made by the learned Assistant Solicitor General, this petition is disposed of, granting liberty to the petitioner-company to approach the appellate authority,



either by challenging the award or by seeking enhancement of compensation, if so advised. No costs. Consequently, connected miscellaneous petitions are closed.

WEB COPY

/True copy/

Sd/-

Assistant Registrar (CO)

Sub Assistant Registrar

To

1. The Deputy Secretary,
Union of India,
Ministry of Road Transport and Highways,
G-5&6, Sector-10, Dwarka,
New Delhi - 110 075.
 2. The Competent Authority cum
Special District Revenue Officer,
Land Acquisition National Highways Office,
Thirunelveli, No.314E, K.P.Road,
Parvathipuram, Nagercoil - 629 003.
 3. The Deputy General Manager cum Project Director,
Project Implementation Unit,
National Highways Authority of India,
No.314E, K.P. Road, Near Ayyappan Koil,
Parvathipuram, Nagercoil - 629 003.
 4. The Special Tahsildar
Land Acquisition - National Highways,
Unit No.1, Valliyoor, Tadhapuram Taluk,
Tirunelveli district - 627 117.
- + 1 CC TO MR.SV.Srinivasan, ADVOCATE IN SR No. 78218
+ 1 CC TO MR.C.Nandagopal, ADVOCATE IN SR No. 78220
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 78668

AR

MK/SV MMS/SAR-2/3P/8C/22.09.2017

W.P(MD)No.20341 of 2016

12.09.2017