

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.8460 of 2018

Sakthimohan

..Petitioner

Vs

1.The Project Director,
National Highways Authority of India Limited,
Villupuram.

2.The Special District Revenue Officer cum
Competent Authority,
National Highways No.227,
Land Acquisition,
Cuddalore.

3.The Special Thasildhar,
Land Acquisition,
National Highways No.227,
Kattumannarkoil,
Cuddalore District.

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing the respondents 1 and 2 to consider the objection letter dated 18.9.2017 and representation dated 18.01.2018, in respect of acquisition of lands for the formation of proposed Trichy-Chidambaram National Highways NH 227 at Veeranatham Village, Kattumannar Koil Taluk, Cuddalore District.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.Su.Srinivasan

Standing counsel for R1

Mr.D.Raja,

Additional Government Pleader
for R2 & R3

ORDER

Heard the learned counsel for the petitioner, the learned Standing counsel for the first respondent and the learned Additional Government Pleader for the respondents 2 and 3 and perused the materials available on records.

2. This writ petition has been filed for issuance of a writ of mandamus, directing the respondents 1 and 2 to consider the objection letter dated 18.9.2017 and representation dated 18.01.2018 and pass orders.

3. The petitioner would claim that he is the absolute owner of the agricultural lands comprised in S.Nos.131/3, 131/1A, 13/1C and 131/1B measuring an extent of 62 Ares, 12 Ares, 16.50 Ares respectively, situated at Veeranatham Village, Kattumannarkoil Taluk, Cuddalore District. The second respondent has initiated proceedings under Section 3(D) of National Highways Act, 1956 (hereinafter, referred to as 'the Act'), to acquire the lands of the petitioner, for the purpose of formation of National Highways NH 227. Hence, the petitioner gave an objection letter and representation to the second respondent to exclude the lands of the petitioner. Since it was not considered, the present writ petition.

4. The learned counsel for the petitioner submitted that the lands of petitioner was sought to be acquired, but later deviated from the original blue print, hence, the petitioner made an objection letter and representations to the competent authority. It is further stated that it would suffice, if a suitable direction is issued to the respondents to consider the objection letter/representations of the petitioner.

5. The learned Additional Government Pleader appearing for the respondents 2 and 3 submitted that a notification under Section 3A(1) of the Act, dated 03.03.2017 was issued to acquire the lands of the petitioner and it was published on 30.03.2017. The petitioner did not give any objection letter within a period of 21 days and hence the notification under Section 3 (D)(1) of the Act, was issued on 21.08.2017. Once the notification is issued under Section 3(D)(1) of the Act, the lands shall vest with the Government. Subsequently, the respondents have no authority to consider the grievance of the petitioner and if at all the petitioner has to challenge the notification. Hence, the present writ petition is not maintainable.

6. It is not in dispute that the notification under Section 3(A)(1) of the Act was issued on 03.03.2017 and after expiry of 21 days, the notification under Section 3(D)(1) of the Act was issued. According to the respondents there was no objection for acquisition of land within the limitation provided under the Act.

7. In the light of the above facts, I do not find any merits in this writ petition. Hence, this writ petition is dismissed. However, liberty is given to the petitioner to challenge the notification, in the manner known to law. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1.The Project Director,
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2.The Special District Revenue Officer cum
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Land Acquisition,
Cuddalore.

3.The Special Thasildhar,
Land Acquisition,
National Highways No.227,
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Cuddalore District.

+1cc to Mr.G.PUGAZHANTHI, Advocate, S.R.No.41163

+1cc to the Government Pleader, S.R.No.41914

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CP (CO)

TR(11/07/2018)

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