

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2018

CORAM :

The Hon'ble Ms.INDIRA BANERJEE, CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE ABDUL QUDDHOSE

W.P.Nos.13015, 6026, 11734 to 11740, 31585 of 2015
and M.P.Nos.1 to 3, 1 to 3, 2, 2, 3, 3, 4 and 4 of 2015

V.S.Vijay .. Petitioner in W.P.No.13015/2015
T. Thirumoorthy .. Petitioner in W.P.No.6026/2015
R. Shanmugasundaram .. Petitioner in W.P.No.11734/2015
R. Sampoornam .. Petitioner in W.P.No.11735/2015
S. Muthu Goundar .. Petitioner in W.P.No.11736/2015
K. Rangasamy .. Petitioner in W.P.No.11737/2015
T.P. Thulasimani .. Petitioner in W.P.No.11738/2015
K. Palanisamy .. Petitioner in W.P.No.11739/2015
R. Kailasan .. Petitioner in W.P.No.11740/2015

1 T.Thirumoorthy
2 R.Kailasan
3 K.Palanisamy
4 S.Muthu Gounder
5 R.Rangasamy
6 R.Sampooranam
7 R.Shanmuga Sundaram
8 T.P.Thulasimani ..Petitioner in WP.31585 of 2015

-vs-

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Govt.,
Highway and Smaller Ports Dept.,
Fort St. George, Chennai 600 009. ..Respondent in all WPs.
- 2.The Project Director,
Tamil Nadu Road Sector Project-II,
Tamil Nadu Buildings, 1st Floor,
171, South Kesavaperumalpuram,
Off.Greenways Road, R.A.Puram,
Chennai 600 028. ..R2 in WPs.13015,6026 & 11734
to 11740/15

3.The Divisional Engineer (N),
Tamil Nadu Road Sector Project-II,
No.2, J.K.Towers, Binny Compound,
Park Road, Tiruppur 641 601. ..3rd Respondent in
WPs.13015,6026 & 11734 to
11740/15

4.The Special District Revenue Officer,
Land Acquisition, Tamil Nadu Road
Sector Project-II, No.136-K,
Kangai Street, Nedunchalai Nagar,
Salem 636 005. ..Respondent in WP.13015/15

4.The Special District Revenue Officer,
Land Acquisition, Tamil Nadu Road,
Sector Project-II,
Execution Wing, Salem-5. ..4th Respondent in
WPs.6026/15, 11734 to
11740/15, 2nd Respondent
in.WP.31585/15

5. Sri Amman Arts and Science College,
rep. by its Proprietor T. Jayalakshmi,
Chithode, Erode 638 102. ..5th in WPs.6026/15 & 11734
to 11740/15
..R2 in WP.31585/15

W.P.No.13015 of 2015: Writ petition filed under Article 226 of the Constitution of India to call for the entire records pertaining to the impugned notice issued by the 4th respondent in Na.Ka.No.189/2014/A1 dated 27.11.2014 and published in Dinamani daily dated 3.12.2014 under Section 15(2) of the Tamilnadu Highways Act 2001 for acquiring the lands of the petitioner for widening the Highway namely SH-15 Gobichettipalayam - Erode KM 123/0 to 153/600 and quash the same and any consequential proceedings issued thereafter and further to direct the respondents to take the widening of SH 15 along the already existing road situated in Survey Nos.457 459 and 476 Periapuliyur Village Bhavani Taluk instead of through the lands situated in Survey NO.458 of Periapuliyur Village, Bhavani Taluk.

W.P.No.6026 of 2015: Writ petition filed under Article 226 of the Constitution of India to call for the entire records on the files of 4th respondent in respect of the issue of impugned orders viz. Notices issued by the 4th respondent in Na.Ka.NO.189/2014/A1 dated 27.11.2014 u/s. 15(2) of Tamilnadu Highways Act 2001 for widening the Highway namely SH-15 Gobi Chettipalayam-Erode KM 123/0 to 153/600 and to quash the same

and all consequential proceedings issued pursuant to the same and further to direct the respondents to take the widening of SH-15 along the already existing road in Survey Nos.776 777 806 807 and 808 of Perapuliyur Village Bhavani Taluk instead of through Survey Nos.801 802 803 of Periapuliyur Village Bhavan Taluk and Survey Nos.83 and 85 of Nallagoundampalayam of Erode.T.K.

W.P.No.11734 of 2015: Writ petition filed under Article 226 of the Constitution of India to call for the entire records relating to the impugned orders viz. Notice issued by the 4th respondent namely in Na.Ka.No. 189/2014/A1 dated 27.11.2014 u/s.15(2) of Tamilnadu Highways Act 2001 petitioner house property constructed on lands to an extent of 0.02.39 hectares situated in Re-survey No.775/4B and agricultural lands to an extent of 0.10.69 hectares situated in survey No.775/3A of Periyapuliyur Village Bhavani Taluk Erode District for widening the Highway namely SH-15 Gobi Chettipalayam-Erode KM 123/0 to 153/600 and to quash the same and all consequential proceedings issued pursuant to the same and further to direct the respondents to take the widening of SH-15 along the already existing road in Survey Nos.776 777 806 807 and 808 of Perapuliyur Village Bhavani Taluk instead of through Survey Nos.801 802 803 of Periapuliyur Village Bhavan Taluk and Survey Nos.83 and 85 of Nallagoundampalayam Village of Erode.T.K.and District and further to direct the respondents 1 to 4 to pay to the petitioner the cost of this proceedings and adequate compensation as may be decided by this Hon'ble Court.

W.P.No.11735 of 2015: Writ petition filed under article 226 of the constitution of India to call for the entire records relating to the impugned orders viz. Notice issued by the 4th respondent namely in Na.Ka.No. 189/2014/A1 dated 27.11.2014 u/s.15(2) of Tamilnadu Highways Act 2001 to acquire the house property of the petitioner having an extent of 0.10.59 hectares situated in Survey No.83/2 of Nallagoundampalayam Village Erode Taluk and District for widening the Highway namely SH-15 Gobi Chettipalayam-Erode KM 123/0 to 153/600 and to quash the same and all consequential proceedings issued pursuant to the same and further to direct the respondents to take the widening of SH-15 along the already existing road in Survey Nos.776 777 806 807 and 808 of Periapuliyur Village Bhavani Taluk instead of through survey NO.801,802,803 Periyapuliyur Village Bhavani Taluk and Survey Nos.83 to 85 of Nallagoundampalayam Village of Erode Taluk and District and further direct the respondents 1 to 4 to pay to the petitioner the cost of this proceedings and adequate compensation as may be decided by this Hon'ble Court.

W.P.No.11736 of 2015: Writ petition filed under article 226 of the constitution of India to calling for the entire records relating to the impugned orders viz. Notice issued by the 4th respondent namely in Na.Ka.No. 189/2014/A1 dated 27.11.2014 u/s.15(2) of Tamilnadu Highways Act 2001 for acquiring the property of the petitioner namely lands having an extent of 0.1755 hectares with Pucca RCC house constructed therein situated in Survey No.85/15 Nallagoundampalayam Village Erode Taluk and District lands having an extent of 0.0509 hectares situated in Survey No.800/3 and lands having an extent of 0.1620 hectares situated in Survey No.800/2C of Periyapuliur Village Bhavani Taluk Erode District for widening the Highway namely SH-15 Gobi Chettipalayam-Erode KM 123/0 to 153/600 and to quash

the same and all consequential proceedings issued pursuant to the same and further to direct the respondents to take the widening of SH-15, along the already existing road in survey Nos.776,777,806,807 and 808 of Periapuliur Village, Bhavani Taluk instead of through Survey Nos.756,777,806,807,808 of Periapuliur Village, Bhavani Taluk instead of through survey Nos.801, 802,803 of Periyapaliyur Village Bhavani TK. and survey Nos.83 & 85 of Nallagoundampalayam Village of Erode T.K. & District and further to direct the respondents 1 to 4 to pay to the petitioner the cost of this proceedings and adequate compensation as may be decided;

W.P.No.11737 of 2015:

Writ petition filed under article 226 of the constitution of India to call for the entire records relating to the impugned orders viz. Notice issued by the 4th respondent namely in Na.Ka.No. 189/2014/A1 dated 27.11.2014 u/s.15(2) of Tamilnadu Highways Act 2001 the lands having an extent of 0.2154 ha. with a house constructed therein and situated in Survey No.83/8 of Nallagoundampalayam Village Erode Taluk and District for widening the Highway namely SH-15 Gobi Chettipalayam-Erode KM 123/0 to 153/600 and to quash the same and all consequential proceedings issued pursuant to the same and further to direct the respondents to take the widening of SH-15 along the already existing road in Survey No.776 777 806 807 and 808 of Periapuliur Village Bhavani Taluk, instead of through Survey Nos.801,802,803 of Periyapuliur Village Bhavani Taluk and Survey Nos.803 & 85 of Nallagoundampalayam Village, Erode Taluk and District and further direct the respondents 1 to 4 pay to the petitioner the cost of this proceedings and adequate compensation as may be decided by this Hon'ble court.

W.P.No.11738 of 2015:

Writ petition filed under article 226 of the constitution of India to Calling for the entire records relating to the impugned orders viz. Notice issued by the 4th respondent namely in Na.Ka.No. 189/2014/A1 dated 27.11.2014 u/s.15(2) of Tamilnadu Highways Act 2001 the lands having an extent of 0.2154 ha. with a house constructed therein and situated in Survey No.83/8 of Nallagoundampalayam Village Erode Taluk and District for widening the Highway namely SH-15 Gobi Chettipalayam-Erode KM 123/0 to 153/600 and to quash the same and all consequential proceedings issued pursuant to the same and further to direct the respondents to take the widening of SH-15 along the already existing road in Survey No.776 777 806 807 and 808 of Periapuliyur Village Bhavani Taluk instead of through Survey Nos.801,802,803 of Periyapuliyur Village Bhavani Taluk and Survey Nos.803 & 85 of Nallagoundampalayam Village, Erode Taluk and District and further direct the respondents 1 to 4 pay to the petitioner the cost of this proceedings and adequate compensation as may be decided;

W.P.No.11739 of 2015:

Writ petition filed under article 226 of the constitution of India to call for the entire records relating to the impugned orders viz. Notice issued by the 4th respondent namely in Na.Ka.No. 189/2014/A1 dated 27.11.2014 u/s.15(2) of Tamilnadu Highways Act 2001 for acquiring the property of the petitioner namely the lands having an extent of 3316 sq.ft. with a house therein and situated in Survey No.800/2U of Periapuliyur Village Bhavani Taluk Erode District for widening the Highway namely SH-15 Gobi Chettipalayam-Erode KM 123/0 to 153/600 and to quash the same and all consequential proceedings issued pursuant to the same and further to direct the respondents to take the widening of SH-15 along the already existing road in Survey No.776 777 806 807 and 808 of Periapuliyur Village Bhavani Taluk instead of through Survey Nos.801,802,803 of Periyapuliyur Village Bhavani Taluk and Survey Nos.803 & 85 of Nallagoundampalayam Village, Bhavani Taluk and Survey Nos.83 and 85 of Nallagoundampalayam Village of Erode Taluk and District and further direct the respondents 1 to 4 pay to the petitioner the cost of this proceedings and adequate compensation as may be decided;

W.P.No.11740 of 2015:

Writ petition filed under article 226 of the constitution of India to call for the entire records relating to the impugned

orders viz. Notice issued by the 4th respondent namely in Na.Ka.No. 189/2014/A1 dated 27.11.2014 u/s.15(2) of Tamilnadu Highways Act 2001 petitioner house property constructed on lands having an extent of 0.04.69 hectares situated in Survey No.775/4U and agricultural lands having an extent of 0.06.94 hectares situated in Survey No.775/3B of Periapuliyur Village Bhavani Taluk Erode District for widening the Highway namely SH-15 GobiChettipalayam-Erode KM 123/0 to 153/600 and to quash the same and all consequential proceedings issued pursuant to the same and further to direct the respondents to take the widening of SH-15 along the already existing road in survey Nos.776 777 806 807 and 808 of Periapuliyur Village, Bhavani Taluk instead of through Survey Nos.801, 802, 803 of Periapuliyur Village, Bhavani Taluk and Survey Nos.83 and 85 of Nallagoundampalayam Village of Erode Taluk and District and further to direct respondents 1 to 4 to pay to the petitioner the cost of this proceedings and adequate compensation as may be decided.

WP.No.31585 of 2015: Writ petition filed under article 226 of the constitution of India to declaring the provisions u/s 105-A of The Right to Fair Compensation and Transparency in Land Acquisition and Resettlement Act 2013 as amended by the State of Tamil Nadu under Tamil Nadu Act No.1 of 2015 as unconstitutional and void ab initio;

For Petitioner in
WP.No.13015/2015

: Mr.K.Govi Ganesan

WPs.6026/15,

11734 to 11740 & 31585/15: Mr.N. Subramaniyan

For Respondents

: Mr.C.Manishankar,
Addl. Adv. General,
assisted by

Mr.T.N.Rajagopalan,
Govt. Pleader.(RR1 to 4 in

WPs.13015, 11734 to 11740)

(& RR1 & 2 in WP.31585/15)

M/s. V. Jeevagiridharan for R5(in

WPs.6026 & 11734 to 11740/15)

COMMON ORDER

(Made by Ms.Indira Banerjee, Chief Justice)

These writ petitions were directed against acquisition of the plots of land specified in these writ petitions for the purpose of widening a highway, namely, State Highway 15, being the Gobichettipalayam-Erode road. By reason of the pending

litigation and the interim orders passed, it is submitted that work has been held up for some time.

2.The respondents entered into negotiations with the respective writ petitioners and the disputes have amicably been settled. The writ petitioners are agreeable to accept the compensation for the land and structure as per the Tamil Nadu Government Gazette Notification No.300, dated 21.09.2017 issued under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-settlement Act, 2013.

3.On behalf of the State, it is submitted that the compensation shall be released within eight (8) weeks.

4.In the additional affidavit filed by the third respondent / Divisional Engineer, it is stated that the respondents have now decided to take four lane road improvements along the existing road in S.Nos.776, 777, 806, 807, 808, 457, 459 and 476 of Periyapuliyur Village belonging to highways department. The petitioners' land in S.Nos.775, 800, 805 and 458 of Periyapuliyur village of Bhavani Taluk and in S.Nos.83, 84, 85 and 89 of Nallagoundanpalayam Village of Erode Taluk are to be acquired to the minimum extent absolutely necessary for the project, for which necessary consent has been given by the writ petitioners. Copies of the letters of consent have also been filed.

4.In view of the subsequent development, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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sra

To

1.The Secretary to State of Tamil Nadu,
Highway and Smaller Ports Dept.,
Fort St. George, Chennai 600 009.

2.The Project Director,
Tamil Nadu Road Sector Project-II,
Tamil Nadu Buildings, 1st Floor,
171, South Kesavaperumalpuram,
Off.Greenways Road, R.A.Puram,
Chennai 600 028.

3.The Divisional Engineer (N),
Tamil Nadu Road Sector Project-II,
No.2, J.K.Towers, Binny Compound,
Park Road, Tiruppur 641 601.

4.The Special District Revenue Officer,
Land Acquisition, Tamil Nadu Road
Sector Project-II, No.136-K,
Kangai Street, Nedunchalai Nagar,
Salem 636 005.5.

5. The Special District Revenue Officer,
Land Acquisition, Tamil Nadu Road
Sector Project-II, Execution Wing,
Salem 636 005.

+ 1 cc to Government Pleader Sr.14231

+ 1 cc to Mr.K.Govi Ganesan, Advocate Sr.14238

W.P.Nos.13015, 6026, 11734
to 11740, 31585 of 2015

RV(CO)
EU(18/04/2018)

सत्यमेव जयते

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