

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.02.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.12371 of 2017
and
W.M.P.Nos.13120 & 13121 of 2017

1. M. Kuppusamy
2. P. Subramaniam
3. R. Sellammal
4. Annadurai
5. K. Dhanarajan
6. Ramasamy
7. Jayammal
8. Sengodan

...Petitioners

Versus

The Land Acquisition Officer,
District Revenue Officer,
Namakkal, Namakkal District.

...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for a issuance of a Writ of Certiorari calling for the entire records relating to the impugned notification passed by the respondent in his proceedings Na.Ka.No.10606/2017 (H-2), dated 21.04.2017 and quash the same.

For Petitioners : Mr. C. Prakasam

For Respondent : Mr. M. Karthikeyan,
Additional Government Pleader

O R D E R

The grievance of the petitioners is that pursuant to the widening of the Namakkal to Thiruchengode road, the sole respondent/Land Acquisition Officer has issued a Notice under Section 15(2) of the Tamil Nadu Highways Act, 2001, conveying a proposal to acquire petitioners' property for widening Namakkal-Thiruchengode road. Challenging the same, the petitioners have rushed to the Court with the present petition.

2. Mr.C.Prakasam, the learned counsel for the petitioners submitted that inasmuch as, the project of widening of Namakkal to Thiruchengode road is completed, the Government has no more need to acquire property of the petitioners further. He also added that even though, notice under Section 15(2) of the Tamil Nadu Highways Act is preliminary in nature, still the fact remains that it was issued without complying with the declaration under Section 8 of the said Act.

3. Mr.M.Karthikeyan, the learned Additional Government Pleader entered appearance for the respondent and filed the counter affidavit. He submitted on instruction that enquiry contemplated under Section 15(2) is preliminary and the final call will be taken by the authority only under Section 15(3) and it is premature for the petitioners who rushed to this Court. Ms.A.Durgabai, Assistant Engineer, Tirupattur Projects Sub-Division is also present in the Court to assist the Court and the same is recorded.

4. There is merit in the submission made by the learned Additional Government Pleader, and inasmuch as the notice now impugned only invites the petitioners to tender their objections for a proposed acquisition. It is important that the petitioners participated in the said proceeding in order the authorities may hold an enquiry under Rule 5(2) and 3 of the Tamil Nadu Highways Rules, 2003. Therefore, the petitioners are directed to file their objection taking all the contentions available both under law and present their case during enquiry under Section 5(3) read with Rule 5(2) within four weeks from the date of receipt of a copy of this order.

5. For the present this petition must be considered as premature. Therefore, this Writ Petition is closed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mrr

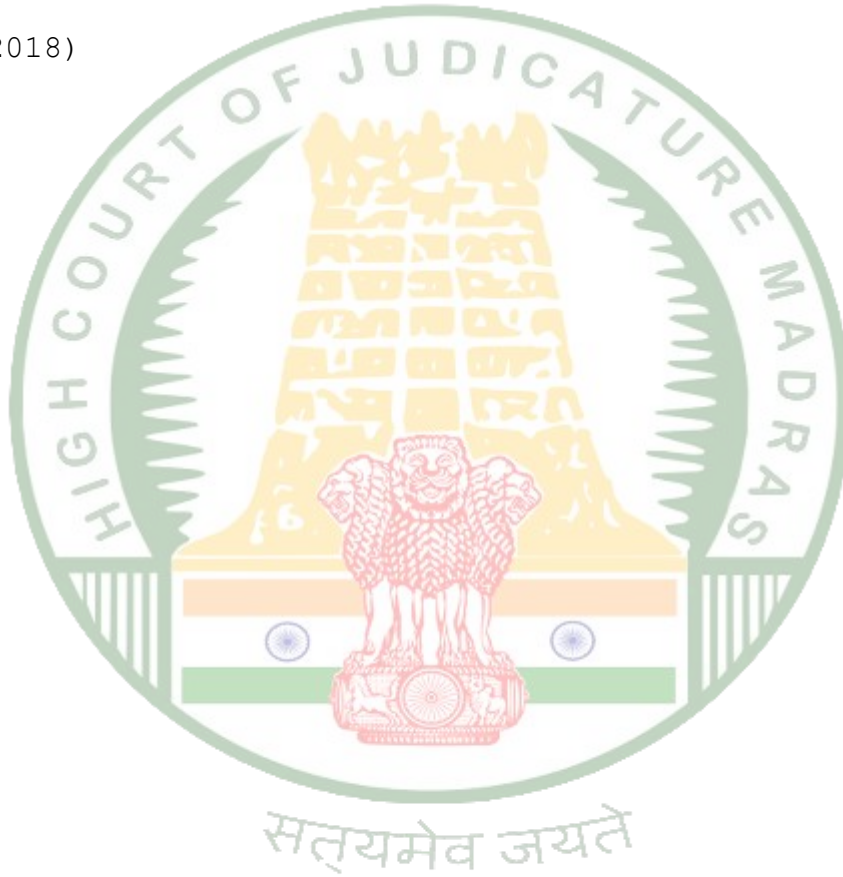
To

The Land Acquisition Officer,
District Revenue Officer,
Namakkal, Namakkal District.

+1cc to Mr.C.PRAKASAM, Advocate, S.R.No. 10227/2018

W.P.No.12371 of 2017

SV (CO)
TR(23/02/2018)



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