

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

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THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.13633 of 2018
and
W.M.P.No.16068 of 2018

Alphonse

..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 (Unit-II)
National Highways No.227,
Sivan Koil Sannathi Street,
Udayargudi,
Kattumannarkoil,
Cuddalore District.

...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus forbearing the 1st and 2nd respondents from acquiring the lands comprised of S.Nos.53/3A and 54/4B admeasuring 0.19.5 and 0.14.0 situated at Mannargudi village, Kattumannarkoil Taluk, Cuddalore District, for formation of Trichy-Chidambaram National Highways No.227.

For Petitioner : Mr.G.Pugazhenthir

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 record.

2. This writ petition has been filed for issuance of a writ of mandamus, forbearing the respondents 1 and 2 from acquiring the lands comprised in S.Nos.53/3A and 54/4B admeasuring 0.19.5 and 0.14.0 situated at Mannargudi village, Kattumannarkoil Taluk, Cuddalore District, for formation of Trichy-Chidambaram National Highways No.227.

3.The petitioner would claim that he is the absolute owner of the lands comprised in S.Nos.53/3A and 54/4B admeasuring an extent of 0.19.5 and 0.14.0 situated at Mannargudi 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 some of part of the lands of the petitioner, for the purpose of formation of National Highways NH 227. Hence, the petitioner gave a representation to the respondents 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 a representation to the competent authority. It is further stated that it would suffice, if a suitable direction is issued to the respondents to consider the representation of the petitioner.

5.The learned Additional Government Pleader 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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National Highways No.227,
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3.The Special Thasildhar,
Land Acquisition (Unit-II)
National Highways No.227,
Sivan Koil Sannathi Street,
Udayargudi,
Kattumannarkoil,
Cuddalore District.

+1cc to Mr.SU.SRINIVASAN, Advocate, S.R.No.41239
+1cc to Mr.G.PUGAZHENTHI, Advocate, S.R.No.41162
+1cc to the Government Pleader, S.R.No.41913

W.P.No.13633 of 2018
and

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CP (CO)
TR(11/07/2018)