

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.43004 of 2016

and

M.P.Nos.36853 and 36854 of 2016  
& 3157 of 2018

1.Kalaiarasi ... Petitioner

Vs

1.The District Collector,  
Tiruppur.

2.The Land Acquisition Officer/  
Revenue Divisional Officer,  
Tiruppur

3.The Tahsildar,  
Tiruppur

4.The Divisional A.E.,  
High ways Department,  
Palladam.

5.The Assistant Engineer,  
Highways Department,  
Palladam.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records from the second respondent pertaining to Na.Ka.366/2010/vo 1 and quash the Notice dated 27.09.2016.

For Petitioner

:Mr.R.Sankarappan

For Respondents

:Mr.S.T.S.Moorthy, AAG

Asst.by

Mr.M.Elumalai, G.A

for R1 to R5

O R D E R

This writ petition has been filed challenging the notice issued under Section 19(5) of the Tamil Nadu Highways Act 2001 directing the petitioner to appear for award enquiry.

2. Mr. Sankarappan, learned counsel appearing for the petitioner submitted that even though an award has been passed, till date, possession was not taken from the petitioner and he has every right to challenge the acquisition proceedings on the ground that the entire acquisition proceedings have been lapsed as per Section 24(2) and 30(2) of the Land Acquisition Act.

3. Mr. S.T.S.Moorthy, the learned Additional Advocate General, appearing for the respondents submitted that since the award has already been passed by the acquisition officer on 15.12.2017, the petitioner cannot challenge the award enquiry notice now, and no further adjudication is required in this writ petition. If the petitioner has any grievance over the award passed by the third respondent, it is always open to him to seek remedy for enhancement of compensation in the manner known to law.

4. I have considered the rival submissions and perused the materials available on records.

5. Admittedly, the petitioner did not challenge the notification issued under Section 15(1) of the Act. Now, he has only come forward to challenge the award enquiry notice issued under Section 19(5) of the Act. Now it is stated that the enquiry was over and the award was also passed. In the said circumstances as the award has already been passed, the petitioner cannot maintain the Writ Petition challenging the award enquiry notice. If the petitioner has any grievance over the award, it is always open to the petitioner to take appropriate steps challenging the same in a manner known to law.

6. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

mrp

To

1.The District Collector,  
Tiruppur.

2.The Land Acquisition Officer/  
Revenue Divisional Officer,  
Tiruppur

3.The Tahsildar,  
Tiruppur

4.The Divisional A.E.,  
High ways Department,  
Palladam.

5.The Assistant Engineer,  
Highways Department,  
Palladam.

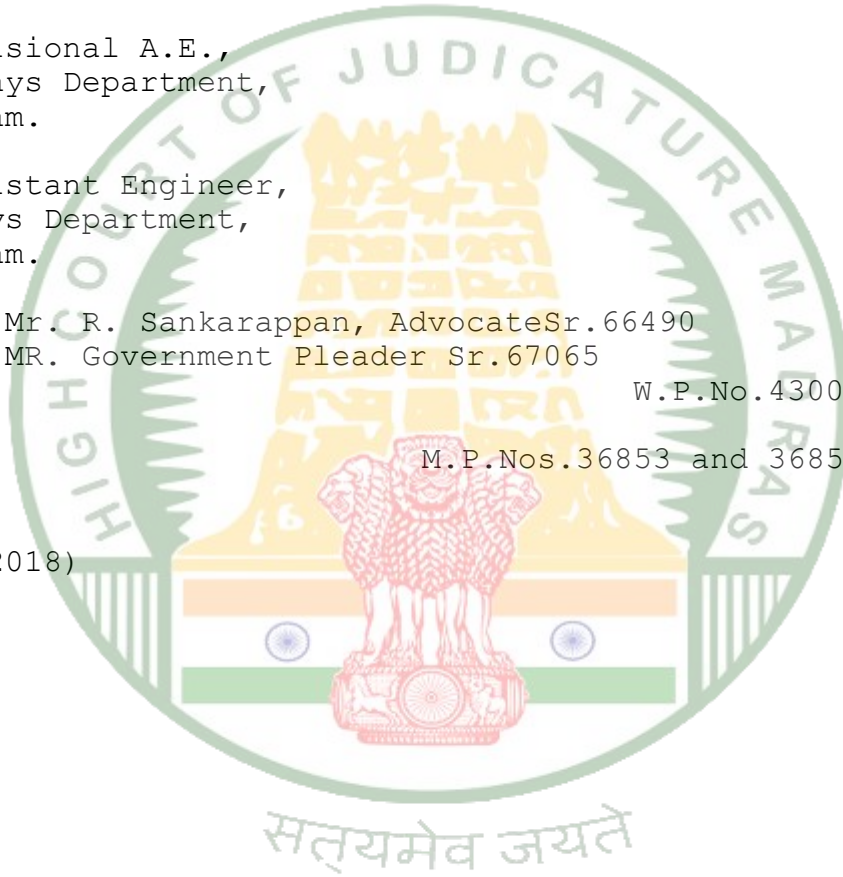
+ 1 cc to Mr. R. Sankarappan, AdvocateSr.66490

+ 1 cc to MR. Government Pleader Sr.67065

W.P.No.43004 of 2016  
and

M.P.Nos.36853 and 36854 of 2016

(CS-DR)  
EU(27/11/2018)



WEB COPY