

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 14.11.2018
CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN
W.P. 27306 of 2018
and
W.M.P.s 31779 & 31782 of 2018

Sri Karivaradharaja Perumal Temple,
represented by Hereditary Trustee/
Managing Trustee Mr.K.K.Jaganathan
No.2, Perumal Koil Street,
Ganapathy, Coimbatore-641 006.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
rep. by the Secretary,
Highways Department,
Fort St. George, Madras-9.
2. The Chief Engineer,
Highways, Guindy,
Chennai-15.
3. The District Collector,
Collectors Office,
Coimbatore-18.
4. The Divisional Engineer,
Highways (Nabard -
Coimbatore-18.
5. Sub-Collector,
Coimbatore North,
Thudialore Post,
Coimbatore-34.
6. The Tahsildar,
Coimbatore North,
Balasundaram Road,
Coimbatore-18.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in Na.Ka.No.7004/2010/006 dt. 22.01.2014 issued under S.15(2) of Tamil Nadu Highways Act, 2002 and quash the same and to consequently direct the 3rd respondent's notification as far as the petitioner temple and its land of 8 cents in Door No.22, Perumal Koil Street, Ganapathy, Coimbatore are concerned by thus

exempting the temple from the plan as per Sec.65 of the Tamil Nadu Highways Act, 2002 in the event of taking over of petitioner temple and its lands ultimately requiring respondents to grant Rs.1,68 crores as compensation for the temple to be re-build as per "Agama-Vidhis".

For Petitioners : Mr.M.Kalyanasundaram,
Senior Advocate,
for Mr.R.Vasudevan

For Respondents : Mr.M.Elumalai,
Government Pleader

O R D E R

This Writ Petition has been filed challenging the notice issued under Sec.15 (2) of the Tamil Nadu Highways Act, 2002 (hereinafter called as 'Act').

2. The grievance of the petitioner is that, the petitioner temple is very old temple founded 300 years back, which is being run by the petitioner Trust. the temple is situated in an extent of 12 cents at Perumal Koil Street, Coimbatore, and a patta was also granted in favour of the temple. The Town Survey Register also stands in the name of petitioner temple. Now, the respondents sought to acquire the lands for constructing the railway overbridge. Even though the Patta stands in the name of the petitioner temple, without issuing any notice whatsoever, the respondents are taking steps to acquire the lands. Hence, the present Writ Petition has been filed by the Petitioner.

3. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, the learned counsel appearing for the respondents, on instructions submitted that as per the revenue records, the lands are classified as poramboke lands, and the petitioner does not have any right over the property. Hence, the petitioner cannot be considered as a person interested in the acquisition proceedings and no notice needs to be served on them as the lands are belonging to the Government.

4. The learned senior counsel for the petitioner disputed the same and contend that the lands are belong to the petitioner temple, and Patta is also stands in the name of petitioner's temple, and the Town Survey register also stands in the name of the petitioner only. Be that as it may, now the petitioner only challenging the notice issued under Sec. 15(2) of the Act calling for objections for acquisition of lands for constructing the railway overbridge. Now, the petitioner content that the land, which sought to be acquired belongs to them. The same was disputed by the respondents contending that it is only a poramboke land.

5. In the said circumstances, if at all, the petitioner has any valid material to establish their title, it is always open to them to approach the acquisition officer viz., District Revenue Officer (Land Acquisition), Coimbatore, and file all those documents to establish their title, and file their objections. On filing such objections, the Land Acquisition Officer is directed to conduct the enquiry, and submit the report before the Government for passing suitable orders under Sec.15(3) of the Act.

6. With the above said direction, this Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Government of Tamil Nadu,
Highways Department,
Fort St. George, Madras-9.
- 2.The Chief Engineer,
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Chennai-15.
- 3.The District Collector,
Collectors Office,
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- 5.Sub-Collector,
Coimbatore North,
Thudialore Post,
Coimbatore-34.
- 6.The Tahsildar,
Coimbatore North,
Balasundaram Road,
Coimbatore-18.

7.The District Revenue Officer
(Land Acquisition)
Coimbatore.

+1cc to Mr.R.Vasudevan, Advocate, S.R.No.78060

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rrs 12/12/2018