



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Tuesday, the Second day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice N.KIRUBAKARAN
and

The Hon`ble Mrs.Justice R.THARANI

WP(MD) Nos.22417 and 22418 of 2017
and

WMP(MD)Nos.18714 to 18717 of 2017

NELSUN COIR PRODUCTS PVT LTD.,
REP. BY ITS DIRECTOR, BHARATHY,
NO.SB-5A, TUTICORIN CO-OPERATIVE INDUSTRIAL ESTATE,
KORAMPALLAM, TUTICORIN - 628 101 ... PETITIONER
in both the petitions

Vs

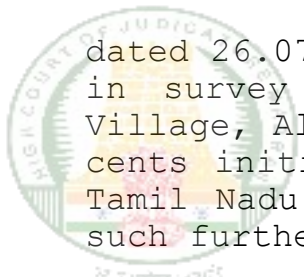
1 GOVERNMENT OF TAMIL NADU
REP. BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF HIGHWAYS AND MINOR PORT DEPARTMENT,
FORT ST. GEORGE, SECRETARIAT,
CHENNAI - 600 009

2 THE PROJECT DIRECTOR,
TAMIL NADU ROAD SECTOR PROJECT - II,
NO.171, KESONAPERUMALPURAM,
GREENWAYS ROAD, RAJA ANNAMALAIPURAM,
CHENNAI - 600 028

3 THE DISTRICT REVENUE OFFICER,
(LAND ACQUISITION OFFICER),
O/O. THE DISTRICT REVENUE OFFICER LAND ACQUISITION,
TAMIL NADU ROAD SECTOR PROJECT II,
NO.14, HAZRATH ABDULLA SALAM ROAD KAJA NAGAR,
TRICHY - 620 020 ... RESPONDENTS
in both the petitions

PRAYER IN WP(MD)No.22417/17:-

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a writ of Declaration the Section 15 & 16 of the Tamil Nadu Highways Act, 2001 and rules made there under as illegal and unconstitutional as it is inconsistent and repugnant to the Central law namely Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein after refer to as New Central Act, 2013) and consequently declare the acquisition proceedings initiated by proceedings in Na.Ka.294/2014/A3 (SH-39-(Part-1) on the file of the respondent no.3



dated 26.07.2017 as illegal so for the petitioner's company and land in survey no.1393/3B, Tirunelveli to Tenkasi Road, Sivalarkulam Village, Alangulam Taluk, Tirunelveli District in an extent of 75.68 cents initiated by Respondent No.3 invoking Section 15 & 16 of the Tamil Nadu Highways Act, 2001 and rules as null and void and pass such further or other as this Hon'ble Court.

Prayer in WMP(MD). 18714/ 2017 IN WP(MD)No.22417/17:-

To pass an order of stay of all further acquisition proceedings in Na.Ka.294/2014/A3 (SH-39-(Part-1) on the file of the respondent no.3 dated 26.07.2017 on the file of the respondent No.3 in so far as the petitioners company land in survey No. 1393/3B, Tirunelveli to Tenkasi Road, Sivalarkulam Village, Alangulam Taluk, Tirunelveli District in an extent of 75.68 cents invoking the Tamil Nadu Highways Act, 2001 and its rules frames there under which is being repugnant to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement 2013 pending disposal of the above Writ Petition.

Prayer in WMP(MD). 18715/ 2017 IN WP(MD)No.22417/17:-

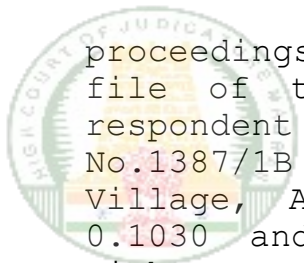
To issue an order of Interim Injunction restraining respondent Nos.1 to 3 from in any way proceeding with the acquisition process pursuant to their acquisition process pursuant to their acquisition proceedings initiated Na.Ka.294/2014/A3 (SH-39-(Part-1) on the file of the respondent no.3 dated 26.07.2017 on the file of the respondent No.3 in so far as the petitioners company and land in survey No. 1393/3B, Tirunelveli to Tenkasi Road, Sivalarkulam Village, Alangulam Taluk, Tirunelveli District in an extent of 75.68 cents invoking the Tamil Nadu Highways Act, 2001 and its rules frames there under which is being repugnant to the Right to Fair Compensation and Transparency in Land Acquisition, rehabilitation and Resettlement 2013 pending disposal of the above the Writ petition.

Prayer in WP(MD). 22418/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Declaration the Section 15 & 16 of the Tamil Nadu Highways Act, 2001 and rules made there under as illegal and unconstitutional as it is inconsistent and repugnant to the Central law namely Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (herein after refer to as New Central Act, 2013) and consequently declare the acquisition proceedings initiated by proceedings in Na.Ka.294/2014/A3 (SH-39-(Part-I) on the file of the respondent no.3 dated 26.07.2017 as illegal so for the petitioner's company and land in survey no.1387/1B and 1387/2B, Tirunelveli to Tenkasi Road, Sivalarkulam Village, Alangulam Taluk, Tirunelveli District in an extent of 0.1030 and 0.1693 Sq.mts respectfully initiated by Respondent No.3 invoking Section 15 & 16 of the Tamil Nadu Highways Act, 2001 and rules as null and void and pass such further or other as this Hon'ble Court.

Prayer in WMP(MD). 18716/ 2017 IN WP(MD)No.22418/17:-

To pass an order of stay of all further Acquisition



proceedings initiated in Na.Ka.294/2014/A3 (SH-39-(Part-I) on the file of the respondent no.3 dated 26.07.2017 on the file of respondent No.3 in so far as the petitioners company land in Survey No.1387/1B and 1387/2B, Tirunelveli to Tenkasi Road, Sivalarkulam Village, Alangulam Taluk, Tirunelveli District in an extent of 0.1030 and 0.1693 Sq.mts respectfully invoking the Tamil Nadu Highways Act, 2001 and its rules framed there under which is being repugnant to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement 2013 pending disposal of the above Writ Petition.

Prayer in WMP(MD). 18717/ 2017 IN WP(MD)No.22418/17:-

To issue an order of interim injunction restraining respondent Nos.1 to 3 from in any way proceeding with the acquisition process pursuant to their acquisition proceedings initiated in Na.Ka.294/2014/A3 (SH-39-(Part-I) on the file of the respondent no.3 dated 26.07.2017 on the file of respondent No.3 in so far as the petitioners company and land in Survey No.1387/1B and 1387/2B, Tirunelveli to Tenkasi Road, Sivalarkulam Village, Alangulam Taluk, Tirunelveli District in an extent of 0.1030 and 0.1693 Sq.mts respectfully invoking The Tamil Nadu Highways Act, 2001 and its rules framed there under which is being repugnant to the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement 2013 pending of the above the Writ Petition.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr.T.LAJAPATHIROY, Advocate for the petitioner in both the petitions and of Mr.D.MURUGANANTHAM, Additional Government Pleader on behalf of the Respondents, the court made the following order:-

[Order of the Court was delivered by **N.KIRUBAKARAN, J**]

Though the proceedings have been initiated under the Tamil Nadu Highways Act, 2001 for acquiring the property by virtue of G.O.Ms.No.12, dated 03.02.2017, according to the petitioners, the Right to Fair Compensation and Transparency in Land acquisition and Rehabilitation and Settlement Act, 2013 alone will be applicable. Moreover, it is seen that there were interim orders granted in similar matters in W.M.P(MD)No.16246 to 16255 of 2017 dated 31.10.2017. Therefore, there shall be an order of status quo as on date.

2.Notice to the respondents returnable by 29.01.2018.

3.Mr.D.Muruganantham, learned Additional Government Pleader also takes notice on behalf of the respondents.

4.Post the matter on 29.01.2018.

sd/-

02/01/2018

/ TRUE COPY /



TO

1 THE PRINCIPAL SECRETARY, GOVERNMENT OF TAMIL NADU
DEPARTMENT OF HIGHWAYS AND MINOR PORT DEPARTMENT,
FORT ST. GEORGE, SECRETARIAT,
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NO.14, HAZRATH ABDULLA SALAM ROAD KAJA NAGAR,
TRICHY - 620 020

+2. C.C. to M/S.T.LAJAPATHIROY Advocate SR.Nos.27,28

JAM/08/01/2018/CM-VR/ SAR 4/ 4P-6C

ORDER

IN

WP (MD) Nos.22417 and 22418 of 2017
and

WMP (MD) Nos.18714 to 18717 of 2017

Date :02/01/2018