



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.08.2018
CORAM

THE HON'BLE MRS.JUSTICE J.NISHA BANU

WEB COPY

W.P. (MD) No.11089 of 2018
and
W.M.P. (MD) No.10155 of 2018

Rajaguru

... Petitioner

-Vs-

- 1.Union of India rep. by its
Secretary to Government,
Ministry of Road Transport and Highways Department,
New Delhi.
- 2.The Authorised Officer-cum-Special District Revenue Officer,
(Land Acquisition)
National Highways,
Chennamanayakkan Patti,
Dindigul.
- 3.The Project Officer,
National Highways Authority of India,
Dindigul,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the respondents herein from laying Four Way Lane Road or putting up any construction or doing any work by illegally acquiring petitioner's patta lands to an extent of 1 hectare, 9.00 Ares comprised in Survey No.442/1 and to an extent of 1 Hectare, 28.79 Ares comprised in Survey No.445/1, situated at Thethuppatti Village, Dindigul West Taluk, Dindigul District without following due process of law and for other reliefs.

For Petitioner : Mr.J.Lawrance

For Respondent 1 : Mr.Malayendran
Central Government Standing Counsel

For Respondent 2 : Mr.A.Thiyagarajan
Government Advocate

For Respondent 3 : Mr.C.Arulvadivel @ Sekar

**ORDER**

This writ petition has been filed for issuance of Writ of Mandamus forbearing the respondents herein from laying Four Way Lane Road or putting up any construction or doing any work by illegally acquiring petitioner's patta lands to an extent of 1 hectare, 9.00 Ares comprised in Survey No.442/1 and to an extent of 1 Hectare, 28.79 Ares comprised in Survey No.445/1, situated at Thethuppatti Village, Dindigul West Taluk, Dindigul District without following due process of law.

2. When the writ petition is taken up for disposal, it is stated by the learned counsel for the petitioner that the respondents have already initiated acquisition proceedings and they also laid survey lands in the acquired lands. Hence, he sought for acquisition of land by adhering the due process of law.

3. The only prayer sought for by the petitioner is that his land should not be acquired without following the due process of law.

4. By way of reply, the learned counsel for the third respondent would submit that only after due process of law, lands of the petitioner will be acquired. The third respondent has filed a counter affidavit also by stating as follows:

"12. It is submitted that the acquisition of a portion of land in S.Nos.442/1 and 445/1 of Thethupatti Village in Dindigul West Taluk of Dindigul District which required for the formation of Dindigul Bypass is inevitable as the portion proposed to be acquired in S.No.445/1 is getting involved in the main carriageway and the portion comprised in S.No.442/1 is required to ensure the 60 m Right of Way which required for the 4 lane projects. Now action is being taken to publish the notification u/s 3A (1) of the said Act. No other construction activities have been taken at present. Hence, the averment stated in para 9 and 10 not sustainable."

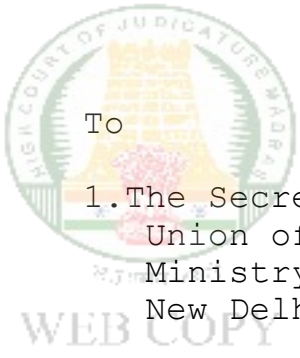
In view of the same, it is made clear that if at all the respondents acquire the lands of the petitioner, it shall be only as per the due process of law.

5. Recording the above submissions and counter filed by the third respondent, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1.The Secretary to Government,
Union of India,
Ministry of Road Transport and Highways Department,
New Delhi.

2.The Authorised Officer-cum-Special District Revenue Officer,
(Land Acquisition)
National Highways,
Chennamanayakkan Patti,
Dindigul.

+1CC to Mr.Malayendran, Advocate, SR.No. 81126

+1CC to Mr.J.Lawrance, Advocate, SR.No. 81172

+1CC to Mr.C.Arulvadivel @ Sekar, Advocate, SR.No.81356

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and

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VS

ES/SV/SAR 2/03.10.2018/3P/6C