



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DELIVERED ON : 01.03.2018

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)No.1329 of 2015 and M.P(MD)Nos.1 and 2 of 2015W.P(MD)No.13652 of 2015 and M.P(MD)No.2 of 2015W.P(MD)No.14520 of 2015 and M.P(MD)No.1 of 2015W.P(MD)No.11702 of 2015 and M.P(MD)No.1 of 2015W.P(MD)Nos.13368 to 13381 of 2015 and M.P(MD)Nos.1 and 2 of 2015
(in all cases)W.P(MD)Nos.16030 to 16033 of 2015 and M.P(MD)Nos.1, 1, 1 and
1 of 2015 and W.M.P(MD)Nos.804, 2785, 1933 and 1934 of 2016W.P(MD)Nos.10365 to 10376 of 2015 and M.P(MD)Nos.1 and 2 of 2015
(in all cases)W.P(MD)Nos.8995 to 8999 of 2017 and W.M.P(MD)Nos.6868 to 6872 of
2017**W.P(MD)No.1329 of 2015:**

S.S.Thangathevan

... Petitioner

Vs.

1.The Government of Tamil Nadu,
represented by its
Secretary to Government,
Highways Department,
Fort St. George,
Chennai - 600 009.

2.The District Revenue Officer,
Tiruchirappalli.

3.The Tahsildar,
Land Acquisition,
Lalgudi.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 27 square metres in Survey No.118/13F of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

WP(MD)No.13652/2015:-

1.FATHIMA BEGUM

2.A AYUB KHAN

3.AYEESHA SIDDIKA

... PETITIONERS



- Vs. -

1. THE SECRETARY TO GOVERNMENT ,

THE GOVT. OF TAMILNADU, HIGHWAYS DEPARTMENT,

FORT ST. GEORGE, CHENNAI-9

2. THE DISTRICT REVENUE OFFICER, TRICHY DISTRICT, TRICHY

3. THE TAHSILDAR (LAND ACQUISITION) LALGUDI, TRICHY DISTRICT.

... RESPONDENTS

Prayer in WP(MD). 13652/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of petitioner's landed property in an extent of 19 Sq. Mtrs. comprised in Survey No.115/1B1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

WP(MD)No.14520 of 2015:-

P. THAIYALNAYAKI

... PETITIONER

- vs -

1. THE GOVERNMENT OF TAMIL NADU,

REP. BY ITS SECRETARY TO GOVERNMENT,

HIGHWAYS DEPARTMENT, FORT ST. GEORGE, CHENNAI -600 009.

2. THE DISTRICT REVENUE OFFICER, TIRUCHIRAPPALLI.

3. THE TAHSILDAR, LAND ACQUISITION, LALGUDI, TRICHY.

... RESPONDENTS

Prayer in WP(MD). 14520/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the petitioner's land of an extent of 27 square meters in S.No. 118/2A of Sridhaiyur Village, Lalgudi Taluk, Trichy District, as lapsed and inoperative.

**WP (MD) No.11702 of 2015:-**

K. MOHAMMED IQBAL

... PETITIONER

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- VS -

1. THE GOVT. OF TAMIL NADU,

REP. BY ITS SECRETARY TO GOVERNMENT, HIGHWAYS DEPARTMENT,
FORT ST. GEORGE, CHENNAI - 9.

2. THE DISTRICT REVENUE OFFICER, TIRUCHIRAPALLI.

3. THE TAHSILDAR, LAND ACQUISITION,
LALGUDI.

... RESPONDENTS

Prayer in WP (MD). 11702/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the petitioner's land of an extent of 41 Square Metres in Survey No.118/2 of Sirdhaiyur Village, Lalgudi Taluk, Ariyalur District, as lapsed and inoperative.

WP (MD) Nos.13368 to 13381 of 2015:-

M.AKBAR ALI	... PETITIONER IN WP (MD) No.13368/ 2015
M.RAJ MOHAMED	... PETITIONER IN WP (MD) No.13369/ 2015
K. MURUGANANDAM	... PETITIONER IN WP (MD) No.13370/ 2015
M.PITCHAI GANI	... PETITIONER IN WP (MD) No.13371/ 2015
P. PERIYASAMY,	... PETITIONER IN WP (MD) No.13372/ 2015
M.ABDUL KARIM	... PETITIONER IN WP (MD) No.13373/ 2015
PL. GANDHI	... PETITIONER IN WP (MD) No.13374/ 2015
A.ABDUR RAHIM	... PETITIONER IN WP (MD) No.13375/ 2015
R. SEETHARAMAN,	... PETITIONER IN WP (MD) No.13376/ 2015
P.SELVARAJ	... PETITIONER IN WP (MD) No.13377/ 2015
A. ABDUL SIDDIQ	... PETITIONER IN WP (MD) No.13378/ 2015
M.MOHAMED HANIBA	... PETITIONER IN WP (MD) No.13379/ 2015
R.SUNDAR RAJAN	... PETITIONER IN WP (MD) No.13380/ 2015
P.SUYAMBU NADAR	... PETITIONER IN WP (MD) No.13381/ 2015

- VS -



1. THE GOVERNMENT OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVT., HIGHWAYS DEPARTMENT.,
FORT ST. GEORGE, CHENNAI - 9.

2. THE DISTRICT REVENUE OFFICER, TRICHY DISTRICT.

3. THE TAHSILDAR (LAND ACQUISITION), LALGUDI,
TRICHY DISTRICT. ... 1 TO 3 RESPONDENTS IN ALL THE PETITIONS

THE EXECUTIVE OFFICER, ARULMIGHU SAPTHRISHWARAR THIRUKOVIL,
LALGUDI, TRICHY DISTRICT

... 4TH RESPONDENT IN WP(MD)Nos.13368 to 13376/2015

WARISH ... 4TH RESPONDENT IN WP(MD)Nos.13377 & 13378/2015

THE SECRETARY,

LALGUDI MUSLIM WAKF BOARD,

JAMIYA PALLANIVASAL, WEST STREET,

LALGUDI, TRICHY DISTRICT ... 4TH RESPONDENT IN

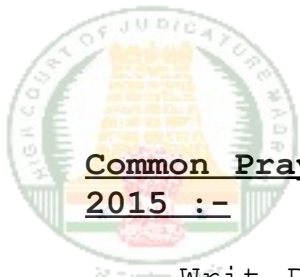
WP(MD)Nos.13379 to 13381/2015

Common Prayer in WP(MD)Nos.13368, 13370, 13372, 13374, 13377, 13378, 13379, 13380, 13381 of 2015 :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of Petitioner 's landed property in an extent of

- 1) 350 Sq.ft. comprised in Survey No.115/1A1 (WP(MD)No.13368/15)
- 2) 200 Sq.ft. comprised in Survey No.115/1A1 (WP(MD)No.13370/15)
- 3) 450 Sq.ft. comprised in Survey No.115/1A1 (WP(MD)No.13372/15)
- 4) 600 Sq.ft. comprised in Survey No.115/1A1 (WP(MD)No.13374/15)
- 5) 100 Sq.ft. comprised in Survey No.118/23 (WP(MD)No.13377/15)
- 6) 450 Sq.ft. comprised in Survey No.118/23 (WP(MD)No.13378/15)
- 7) 300 Sq.ft. comprised in Survey No.133/2 (WP(MD)No.13379/15)
- 8) 400 Sq.ft. comprised in Survey No.133/2 (WP(MD)No.13380/15)
- 9) 230 Sq.ft. comprised in Survey No.133/2 (WP(MD)No.13381/15)

respectively situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



Common Prayer in WP(MD)Nos.13369, 13371, 13373, 13375 and 13376 of 2015 :-

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the land acquisition proceedings **(*)initiated under Section 15 (2) of the Tamil Nadu Highways Act, 2001 in respect of Petitioner 's landed property in an extent of**

*** (1) 350 Sq.ft. comprised in Survey No.131/3C1 (WP(MD)No.13369/15)**

*** (2) 250 Sq.ft. comprised in Survey No.131/3C1 (WP(MD)No.13371/15)**

*** (3) 480 Sq.ft. comprised in Survey No.131/3C1 (WP(MD)No.13373/15)**

*** (4) 350 Sq.ft. comprised in Survey No.131/3C1 (WP(MD)No.13375/15)**

*** (5) 1050 Sq.ft. comprised in Survey No.131/3C1 (WP(MD)No.13376/15)**

(*) Prayer amended vide Court Order dated 13.09.2017 in WMP(MD)Nos.8082, 8083, 8084, 8085, 8086 of 2017

respectively situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

WP(MD)Nos.16030 to 16033 of 2015:-

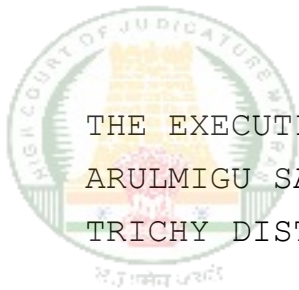
L.G.P.KANNAN	... PETITIONER IN WP(MD)No.16030/ 2015
S.KADAR BATCHA	... PETITIONER IN WP(MD)No.16031/ 2015
K.SATHIYAMURTHY	... PETITIONER IN WP(MD)Nos.16032 and 16033 of 2015

- vs -

THE GOVERNMENT OF TAMILNADU
REP.BY ITS SECRETARY TO GOVERNMENT, HIGHWAYS DEPARTMENT,
FORT ST. GEORGE, CHENNAI-600 009.

THE DISTRICT REVENUE OFFICER,
TRICHY DISTRICT, TRICHY.

THE TAHSILDAR (LAND ACQUISITION), LALGUDI,
TRICHY DISTRICT. ... RESPONDENTS 1 TO 3 IN ALL THE PETITIONS



THE EXECUTIVE OFFICER,

ARULMIGU SAPTHARISHWARAR THIRUKOVIL, LALGUDI,

TRICHY DISTRICT.

... 4TH RESPONDENT IN WP(MD)Nos.16030,
16032 and 16033 of 2015

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THE SECRETARY

LALGUDI MUSLIM WAKF BOARD, JAMIYA PALLIVASAL, WEST STREET,

LALGUDI,

TRICHY DISTRICT.

...5TH RESPONDENT in WP(MD)No. 16030 of 2015

AND 4TH RESPONDENT IN WP(MD)No.16031 of 2015

Prayer in WP(MD). 16030/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring the land acquisition proceedings **(*) initiated under Section 15(2) of the Tamil Nadu Highways Act, 2001 in respect of petitioner's landed property in an extent of 1000 sq. ft. comprised in Survey No.131/3C1** and 2900 Sq.ft comprised in Survey No.133/2 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

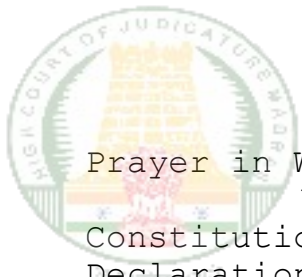
(*) Prayer amended vide Court Order dated 13.09.2017 in WMP(MD) No.12588 of 2017.

Prayer in WP(MD). 16031/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue Writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of Petitioner's landed property in an extent of 1684 sq.ft. comprised in Survey No.133/2 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass such further or other orders as this Honble Court.

Prayer in WP(MD). 16032/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ or Direction in the nature of Writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of Petitioner's landed property in an extent of 2216 Sq.ft comprised in Survey Nos.114 & 115 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation Transparency in Land Acquisition , Rehabilitation and Resettlement Act, 2013.



Prayer in WP(MD). 16033/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of petitioner's landed property in an extent of 680 Sq. ft. comprised in Survey Nos.114 & 115 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

WP(MD)Nos.10365 to 10376 of 2015:-

A.BAKTHINATHAN	... PETITIONER IN WP(MD)No.10365/ 2015
M.SUBHAIDA BEGUM	... PETITIONER IN WP(MD)No.10366/ 2015
M.S.NOOR MOHAMMED	... PETITIONER IN WP(MD)No.10367/ 2015
N.HAKKEEM SAIT	... PETITIONER IN WP(MD)No.10368/ 2015
M.NOORNISHA BEGUM	... PETITIONER IN WP(MD)No.10369/ 2015
S.KADHER BASHA	... PETITIONER IN WP(MD)Nos.10370,10371&10372/2015
S.KATHIJA BEEVI	... PETITIONER IN WP(MD)No.10373/2015
NOORNISHA BEGUM	... PETITIONER IN WP(MD)No.10374/2015
AKITHA BEGUM	...PETITIONER IN WP(MD)Nos.10375 and 10376/2015

- vs -

- 1.THE GOVERNMENT OF TAMIL NADU,
REP. BY ITS SECRETARY TO GOVERNMENT.,
HIGHWAYS DEPARTMENT, FORT ST. GEORGE, CHENNAI - 9.
- 2.THE DISTRICT REVENUE OFFICER, THIRUCHIRAPALLI.
- 3 THE TAHSILDAR, LAND ACQUISITION,
LALGUDI. ... RESPONDENTS IN WP(MD)Nos.10365 to
10376/2015

Prayer in WP(MD). No.10365/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 105 Square Metres in Survey No. 118/8B of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and in operative.



Prayer in WP(MD).No. 10366/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 30 Square Metres in Survey No. 118/12 of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

Prayer in WP(MD).No. 10367/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 26 Square Metres in Survey No. 118/22 of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

Prayer in WP(MD). No.10368/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 87 Square Metres in Survey No. 118/18 of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

Prayer in WP(MD).No. 10369/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 73 Square Metres in Survey No. 118/19 of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

Prayer in WP(MD).No. 10370/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 28 Square Metres in Survey No. 118/11 of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.



Prayer in WP(MD). No.10371/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 26 Square Metres in Survey No. 118/10B of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

Prayer in WP(MD).No. 10372/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 20 Square Metres in Survey No. 118/7B of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

Prayer in WP(MD). No.10373/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 33 Square Metres in Survey No. 118/21 of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

Prayer in WP(MD).No. 10374/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 16 Square Metres in Survey No. 118/8B of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

Prayer in WP(MD). No.10375/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 23 Square Metres in Survey No. 118/13G of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.



Prayer in WP(MD).No. 10376/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the Land Acquisition proceedings under the Tamil Nadu Highways Act, 2001 in respect of the Petitioner's land of an extent of 27 Square Metres in Survey No. 118/14 of Sirdhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative.

WP(MD)Nos.8995 to 8999 of 2017:-

M.RAJ MOHAMED	 PETITIONER IN WP(MD)No.8995/2017
M.PITCHAI GANI	 PETITIONER IN WP(MD)No.8996/2017
M.ABDUL KARIM	... PETITIONER IN WP(MD)No.8997/2017
A.ABDUR RAHIM	... PETITIONER IN WP(MD)No.8998/2017
R.SEETHARAMAN	... PETITIONER IN WP(MD)No.8999/2017

- vs -

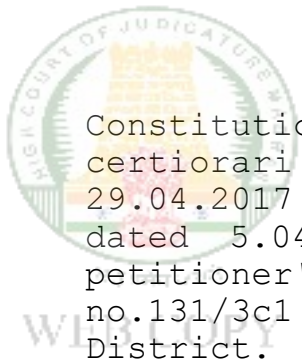
- 1.THE GOVERNMENT OF TAMIL NADU,
REP BY ITS SECRETARY TO GOVERNMENT HIGHWAYS DEPARTMENT,
FORT SAINT GEORGE, CHENNAI-600 009
- 2.THE DISTRICT REVENUE OFFICER,
TRICHY DISTRICT, TRICHY
- 3.THE TAHSILDAR (LAND ACQUISITION)
LALGUDI, TRICHY DISTRICT
- 4.THE EXECUTIVE OFFICER,
ARULMIGHU SAPTHARISHWARAR THIRUKOVIL,
LALGUDI, TRICHY DISTRICT ... RESPONDENTS IN
WP(MD)Nos.8995 to 8999/2017

Prayer in WP(MD). No.8995/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorari calling for the records of the 4th Respondent dated 29.4.2017 in pursuance of the order passed by the 4th Respondent dated 5.4.2017 and quash the same as illegal in respect of the Petitioner's shop in an extent of 350 Sq.ft.comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

Prayer in WP(MD).No. 8996/ 2017 :

Writ Petition is filed under Article 226 of the



Constitution of India, praying this Court to issue a writ of certiorari calling for the records of the 4th respondent dated 29.04.2017 in pursuance of the order passed by the 4th respondent dated 5.04.2017 and quash same as illegal in respect of the petitioner's shop in an extent of 250 sq.ft. comprised in survey no.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

Prayer in WP(MD). No.8997/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the 4th respondent dated 29.04.2017 in pursuance of the order passed by the 4th respondent dated 05.04.2017 and quash the same as illegal in respect of the petitioner's shop in an extent of 480 Sq.ft. comprised in Survey No. 131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

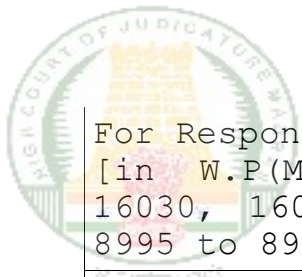
Prayer in WP(MD). No.8998/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the 4th Respondent dated 29.4.2017 in pursuance of the order passed by the 4th Respondent dated 5.4.2017 and quash the same as illegal in respect of the Petitioner's shop in an extent of 350 sq.ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

Prayer in WP(MD). No.8999/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records of the 4th Respondent dated 29.4.2017 in pursuance of the order passed by the 4th Respondent dated 5.4.2017 and quash the same as illegal in respect of the Petitioner's shop in an extent of 1050 sq.ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

For Petitioners [in W.P(MD)No.1329, 14520, 11702, 10365 to 10376 of 2015]	: Mr.AR.L.Sundaresan, Senior Counsel for M/s.AL.Gandhimathi
For Petitioners [in W.P(MD)No.13652, 13368 to 13381, 16030 to 16033 of 2015 & 8995 to 8999 of 2017]	: Mr.R.R.Kannan
For Respondents 1 to 3 [in all cases]	: Mr.B.Pugalendhi, Additional Advocate General assisted by Mr.M.Alagathevan, Special Government Pleader



For Respondent No.4 [in W.P(MD)Nos.13368 to 13376, 16030, 16032 and 16033 of 2015, 8995 to 8999 of 2017]	: Mr.N.S.Karthikeyan
For Respondent No.4 [in W.P(MD)Nos.13379 to 13381, 16031 of 2015 and For Respondent No.5 [in W.P(MD)No.16030 of 2015]	: Mr.R.Sundar
For Respondent No.4 [in W.P(MD)Nos.13377 and 13378 of 2015]	: No appearance

* * * * *

COMMON ORDER

W.P(MD)No.1329 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 27 square metres in Survey No.118/13F of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

2. W.P(MD)No.13652 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 19 square metres comprised in Survey No.115/1B1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

3. W.P(MD)No.14520 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 27 square metres in Survey No.118/2A of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

4. W.P(MD)No.11702 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 41 square metres in Survey No.118/2 of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

5. W.P(MD)No.13368 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 350 sq. ft. comprised in Survey No.115/1A1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair



Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

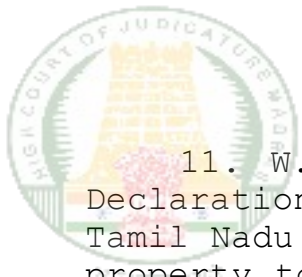
6. W.P(MD)No.13369 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings initiated under Section 15(2) of the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 350 sq. ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. **[Prayer is amended vide order of this Court dated 13.09.2017 made in W.M.P (MD)No.8082 of 2017 in W.P(MD)No.13369 of 2015.]**

7. W.P(MD)No.13370 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 200 sq. ft. comprised in Survey No.115/1A1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

8. W.P(MD)No.13371 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings initiated under Section 15(2) of the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 250 sq. ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. **[Prayer is amended vide order of this Court dated 13.09.2017 made in W.M.P (MD)No.8083 of 2017 in W.P(MD)No.13369 of 2015.]**

9. W.P(MD)No.13372 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 450 sq. ft. comprised in Survey No.115/1A1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

10. W.P(MD)No.13373 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings initiated under Section 15(2) of the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 480 sq. ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. **[Prayer is amended vide order of this Court dated 13.09.2017 made in W.M.P (MD)No.8084 of 2017 in W.P(MD)No.13369 of 2015.]**



11. W.P(MD)No.13374 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 600 sq. ft. comprised in Survey No.115/1A1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

12. W.P(MD)No.13375 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings initiated under Section 15(2) of the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 350 sq. ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. **[Prayer is amended vide order of this Court dated 13.09.2017 made in W.M.P (MD)No.8085 of 2017 in W.P(MD)No.13369 of 2015.]**

13. W.P(MD)No.13376 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings initiated under Section 15(2) of the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 1050 sq. ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. **[Prayer is amended vide order of this Court dated 13.09.2017 made in W.M.P (MD)No.8086 of 2017 in W.P(MD)No.13369 of 2015.]**

14. W.P(MD)No.13377 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 100 sq. ft. comprised in Survey No.118/23 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

15. W.P(MD)No.13378 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 450 sq. ft. comprised in Survey No.118/23 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

<https://hcservices.ecourts.gov.in/hcservices/>
16. W.P(MD)No.13379 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed



property to an extent of 300 sq. ft. comprised in Survey No.133/2 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

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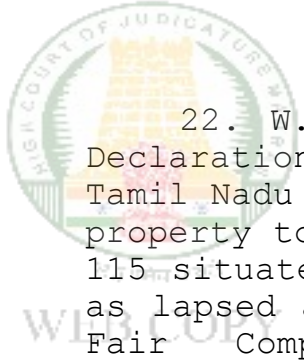
17. W.P(MD)No.13380 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 400 sq. ft. comprised in Survey No.133/2 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

18. W.P(MD)No.13381 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 230 sq. ft. comprised in Survey No.133/2 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

19. W.P(MD)No.16030 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings initiated under Section 15(2) of the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 1000 sq. ft. comprised in Survey No.131/3C1 and 2900 sq. ft. comprised in Survey No.133/2 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. **[Prayer is amended vide order of this Court dated 13.09.2017 made in W.M.P(MD)No.12588 of 2017 in W.P(MD)No.16030 of 2015.]**

20. W.P(MD)No.16031 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 1684 sq. ft. comprised in Survey No.133/2 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

21. W.P(MD)No.16032 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 2216 sq. ft. comprised in Survey Nos.114 and 115 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.



22. W.P(MD)No.16033 of 2015 has been filed seeking a writ of Declaration declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's landed property to an extent of 680 sq. ft. comprised in Survey Nos.114 and 115 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

23. W.P(MD)No.10365 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 105 square metres in Survey No.118/8B of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

24. W.P(MD)No.10366 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 30 square metres in Survey No.118/12 of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

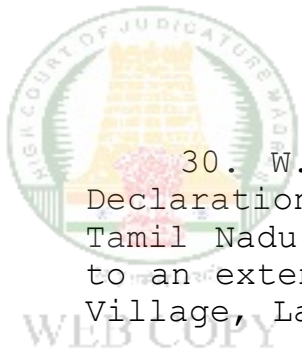
25. W.P(MD)No.10367 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 26 square metres in Survey No.118/22 of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

26. W.P(MD)No.10368 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 87 square metres in Survey No.118/18 of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

27. W.P(MD)No.10369 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 73 square metres in Survey No.118/19 of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

28. W.P(MD)No.10370 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 28 square metres in Survey No.118/11 of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

29. W.P(MD)No.10371 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 26 square metres in Survey No.118/10B of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.



30. W.P(MD)No.10372 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 20 square metres in Survey No.118/7B of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

31. W.P(MD)No.10373 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 33 square metres in Survey No.118/21 of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

32. W.P(MD)No.10374 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 16 square metres in Survey No.118/8B of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

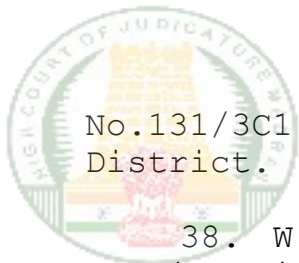
33. W.P(MD)No.10375 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 23 square metres in Survey No.118/13G of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

34. W.P(MD)No.10376 of 2015 has been filed seeking a writ of Declaration, declaring the land acquisition proceedings under the Tamil Nadu Highways Act, 2001, in respect of the petitioner's land to an extent of 27 square metres in Survey No.118/14 of Sirudhaiyur Village, Lalgudi Taluk, Ariyalur District as lapsed and inoperative.

35. W.P(MD)No.8995 of 2017 has been filed seeking a writ of Certiorari calling for the records of the fourth respondent dated 29.04.2017 in pursuance of the order passed by the fourth respondent dated 05.04.2017 and quash the same as illegal in respect of the petitioner's shop to an extent of 350 sq. ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

36. W.P(MD)No.8996 of 2017 has been filed seeking a writ of Certiorari calling for the records of the fourth respondent dated 29.04.2017 in pursuance of the order passed by the fourth respondent dated 05.04.2017 and quash the same as illegal in respect of the petitioner's shop to an extent of 250 sq. ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

37. W.P(MD)No.8997 of 2017 has been filed seeking a writ of Certiorari calling for the records of the fourth respondent dated 29.04.2017 in pursuance of the order passed by the fourth respondent dated 05.04.2017 and quash the same as illegal in respect of the petitioner's shop to an extent of 480 sq. ft. comprised in Survey



No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

38. W.P(MD)No.8998 of 2017 has been filed seeking a writ of Certiorari calling for the records of the fourth respondent dated 29.04.2017 in pursuance of the order passed by the fourth respondent dated 05.04.2017 and quash the same as illegal in respect of the petitioner's shop to an extent of 350 sq. ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

39. W.P(MD)No.8999 of 2017 has been filed seeking a writ of Certiorari calling for the records of the fourth respondent dated 29.04.2017 in pursuance of the order passed by the fourth respondent dated 05.04.2017 and quash the same as illegal in respect of the petitioner's shop to an extent of 1050 sq. ft. comprised in Survey No.131/3C1 situated at Sirudhaiyur Village, Lalgudi Taluk, Trichy District.

40. Since the issue involved in all these writ petitions is similar, they are taken up for hearing together and disposed of by this common order.

41. For the sake of convenience, the facts leading to the filing of W.P(MD)No.1329 of 2015 alone, are briefly narrated hereunder:

41.1. The petitioner is the absolute owner of the property in Survey No.118/13F to an extent of 27 square metres in Sirudhaiyur Village, Lalgudi Taluk, Trichy District, by virtue of a registered sale deed dated 01.02.2006 vide Document No.195 of 2006 on the file of the Office of Sub Registrar, Lalgudi.

41.2. The second respondent issued a notice under Section 15(2) of the Tamil Nadu Highways Act, 2001, calling upon the petitioner to show cause as to why the land of the petitioner be required for the purpose of construction of Railway Over Bridge [in short 'ROB'] at Railway Level Crossing No.228 between Lalgudi and Kattur Railway Station.

41.3. A publication was also issued in this regard in the newspapers calling upon the owners/persons interested to submit their objections if any within 30 days from the date of the said publication, fixing the date of enquiry into the objections as 25.02.2012.

41.4. On receipt of the same, the petitioner submitted a detailed objection to the second respondent. Thereafter, no enquiry was conducted in that regard.

41.5. While so, the third respondent issued a notice on 14.10.2014 stating that the land of the petitioner was required for construction of ROB at Railway Level Crossing No.228 between Kattur and Lalgudi Railway Station and also informed that the enquiry be held on 17.10.2014 for negotiating the compensation under Section 19



41.6. Thereafter, another notice came to be issued by the third respondent on 15.12.2014 calling upon the petitioner for enquiry on 18.12.2014.

41.7. It is alleged that on 18.12.2014, when the petitioner appeared before the third respondent, he was compelled to sign in the statement as though he conceded for acquisition and sought for a sum of Rs.12,000/- (Rupees Twelve Thousand only) per sq. ft. besides further compensation for the building thereon.

41.8. However, as of now, neither the compensation amount has been determined nor any award has been passed.

41.9. Meanwhile, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, came into being and as such, the provisions of the said Act will apply to the acquisition for the purpose of Highways under the Tamil Nadu Highways Act, 2001.

41.10. Hence, the Tamil Nadu Highways Act, 2001, is repugnant to the Central Act, namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and hence, the land acquisition proceedings initiated under Section 15(2) of the Tamil Nadu Highways Act, 2001, got lapsed and inoperative. Thus, the petitioner has come forward with the present writ petition.

42. The rest of the writ petitions have also been filed by the respective petitioners seeking the very same relief.

43. The learned Senior Counsel appearing for the petitioners in W.P(MD)Nos.1329, 14520, 11702, 10365 and 10376 of 2015 as well as the learned Counsel for the petitioners in the other writ petitions, made the following submissions:

43.1. The primordial contention of the petitioners is that the notification issued under Section 15(1) of the Tamil Nadu Highways Act, came to be published only on 05.02.2014, so to say, after the commencement of the Central Act, 2013.

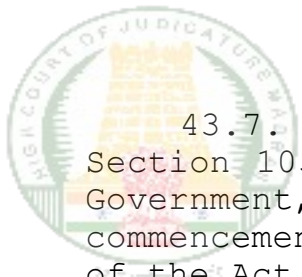
43.2. The land acquisition proceedings initiated under the Tamil Nadu Highways Act was only at the proposal stage, viz., under Section 15(2) of the Act.

43.3. By virtue of Article 254 of the Constitution of India, the Tamil Nadu Highways Act would become repugnant.

43.4. This Court, in the judgment in *R.Moorthy v. State of Tamil Nadu* reported in 2014 (2) CWC 763; held that the Tamil Nadu Highways Act, is repugnant to the Central Act, 2013.

43.5. Moreover, the repugnancy has taken effect on 01.01.2014 itself and as such, the State Act, namely, the Tamil Nadu Highways Act came to be ceased with effect from 01.01.2014.

43.6. The Central Act, 2013 came into force on 01.01.2014 and the Tamil Nadu Amendment Act seeking to amend the Central Act, 2013 is notified only on 05.01.2015. However, on 01.01.2014 itself, by operation of law, the State Act, viz., the Tamil Nadu Highways Act has become repugnant and hence, it could not be revived on or after 01.01.2014 by way of a subsequent amendment to the Central Act, 2013.



43.7. Drawing the attention of this Court to the provisions of Section 105-A of the Amendment Act, it is contended that the State Government, shall by notification, within one year from the date of commencement of the Act, direct compliance of any of the provisions of the Act, viz., Section 105-A(1), (2) and (3).

43.8. Accordingly, the Amendment Act is said to be deemed to have come into force with effect from 01.01.2014 and if so, the period of one year as per Section 105-A(1) of the Act would expire by 31.12.2014 and hence, it could not be complied with on or after 05.01.2015.

43.9. Assuming for the sake of arguments, if 05.01.2015 is taken as the date of commencement of the Amendment Act, then the notification as per Section 105-A(2) of the Act ought to have been issued on or before 05.01.2015.

43.10. Admittedly, the State Government did not issue any notification before 05.01.2015 extending the provisions of the Central Act, 2013, namely, the Schedules I, II and III relating to compensation, rehabilitation and re-settlement and as such, Section 105-A worked out and consequently, the Central Act, 2013 would be in force.

43.11. It is also argued that if such notification was issued within the time, the same has to be placed before the Legislature, which has got the right to approve, disapprove or modify the same and thereafter only, the notification will take effect only as per the approval, disapproval or modification, as the case may be, given by the Legislative Assembly.

43.12. In the cases on hand, since no notification has been issued by the State Government as per Section 105-A(1) and (2) of the Amendment Act, it would not exclude the Tamil Nadu Highways Act.

43.13. Before the Amendment Act came to be notified on 05.01.2015, no notification was issued as per the requirements of law in the Government Gazette.

43.14. There should be a notification under Section 105-A(1) and (2) of the Act to be placed before the State Legislature, however, it was not done in the present case on hand.

43.15. It is also brought to the knowledge of this Court that the Road Over Bridge at LC.No.228 has already been completed and the lands of the petitioners are sought to be acquired for the purpose of extending a Round About, which, according to the petitioners, would not come under the provisions of the Tamil Nadu Highways Act.

43.16. Thus, the impugned land acquisition proceedings initiated in the case on hand got lapsed and became inoperative by virtue of the Central Act, 2013. Therefore, the petitioners prayed for allowing these writ petitions.

44. In support of their contentions, reliance has also been placed upon the following decisions:

(i) In *Zaverbhai v. State of Bombay* reported in AIR 1954 SC 752, the Honourable Supreme Court, in paragraph 11, observed as follows:



"11. It is true, as already pointed out, that on a question under Art.254(1) whether an Act of Parliament prevails against a law of the State, no question of repeal arises; but the principle on which the rule of implied repeal rests, namely, that if the subject-matter of the later legislation is identical with that of the earlier, so that they cannot both stand together, then the earlier is repealed by the later enactment, will be equally applicable to a question under Art. 254(2) where the further legislation by Parliament is in respect of the same matter as that of the State law. We must accordingly hold that S.2 of Bombay Act No.36 of 1947 cannot prevail as against S.7 of the Essential Supplies (Temporary Powers) Act (24 of 1946) as amended by Act No.52 of 1950."

(ii) In *T.Barai v. Henry Ah Hoe and another* reported in (1983) 1 Supreme Court Cases 177, the Honourable Supreme Court, in paragraph 15, held as under:

"15. There is no doubt or difficulty as to the law applicable. Article 254 of the Constitution makes provision firstly, as to what would happen in the case of conflict between a Central and State law with regard to the subjects enumerated in the Concurrent List, and secondly, for resolving such conflict. Article 254(1) enunciates the normal rule that in the event of a conflict between a Union and a State law in the concurrent field, the former prevails over the latter. Clause (1) lays down that if a State law relating to a Concurrent subject is 'repugnant' to a Union law relating to that subject, then, whether the Union law is prior or later in time, the Union law will prevail and the State law shall, to the extent of such repugnancy, be void. To the general rule laid down in clause (1), clause (2) engrafts an exception, viz., that if the President assents to a State law which has been reserved for his consideration, it will prevail notwithstanding its repugnancy to an earlier law of the Union, both laws dealing with a Concurrent subject. In such a case, the Central Act will give way to the State Act only to the extent of inconsistency between the two, and no more. In short, the result of obtaining the assent of the President to a State Act which is inconsistent with a previous Union law relating to a Concurrent subject would be that the State Act will prevail in that State and override the provisions of the Central Act in their applicability to that State only. The predominance of the State law may however be taken away if Parliament legislates under the Proviso to clause (2). The Proviso to Article 254(2) empowers the Union Parliament to repeal or amend a repugnant State law even though it has become valid by virtue of the President's assent. Parliament may repeal or amend the repugnant State law, either directly, or by itself enacting a law repugnant to the State law



with respect to the 'same matter'. Even though the subsequent law made by Parliament does not expressly repeal a State law, even then, the State law will become void as soon as the subsequent law of Parliament creating repugnancy is made. A State law would be repugnant to the Union law when there is direct conflict between the two laws. Such repugnancy may also arise where both laws operate in the same field and the two cannot possibly stand together e.g., where both prescribe punishment for the same offence but the punishment differs in degree or kind or in the procedure prescribed. In all such cases, the law made by Parliament shall prevail over the State law under Article 254(1). That being so, when Parliament stepped in and enacted the Central Amendment Act, it being a later law made by Parliament "with respect to the same matter", the West Bengal Amendment Act stood impliedly repealed."

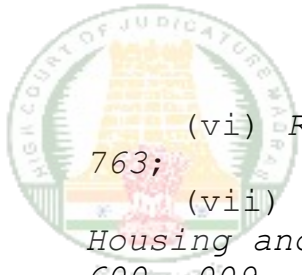
(iii) In *Padma Sundara Rao (dead) and others v. State of T.N. and others* reported in (2002) 3 Supreme Court Cases 533;, while dealing with the applicability of principle of stare decisis, held in paragraph 16, as follows:

"16. The plea relating to applicability of the stare decisis principles is clearly unacceptable. The decision in *K.Chinnathambi Gounder v. Govt. of T.N.* reported in AIR 1980 Mad 251, was rendered on 22-6-1979 i.e. much prior to the amendment by the 1984 Act. If the legislature intended to give a new lease of life in those cases where the declaration under Section 6 is quashed, there is no reason why it could not have done so by specifically providing for it. The fact that the legislature specifically provided for periods covered by orders of stay or injunction clearly shows that no other period was intended to be excluded and that there is no scope for providing any other period of limitation. The maxim *actus curiae neminem gravabit* highlighted by the Full Bench of the Madras High Court has no application to the fact situation of this case."

(iv) In *Hindustan Petroleum Corporation Ltd., v. Darius Shapur Chennai and others* reported in (2005) 7 Supreme Court Cases 627, the Honourable Supreme Court, in paragraph 7 observed thus:

"7. Indisputably, the definition of public purpose is of wide amplitude and takes within its sweep the acquisition of land for a corporation owned or controlled by the State, as envisaged under sub-clause (iv) of clause (f) of Section 3 of the Act. But the same would not mean that the State is the sole judge therefor and no judicial review shall lie. (See *Jilubhai Nanbhai Khachar v. State of Gujarat* [1995 Supp(1) SCC 596].)"

(v) *CeeDeeYes Standard Towers (P) Ltd., v. The Collector of Chennai* reported in 2013 (1) CWC 425;



(vi) *R.Moorthy v. State of Tamil Nadu* reported in 2014 (2) CWC 763;

(vii) *A.Sankara Subbu v. The Secretary to the Government, Housing and Urban Development Department, Fort St. George, Chennai - 600 009* [W.P.Nos.27550 to 27553 of 2014, etc., decided on 05.08.2015]; and

(viii) *N.Sathish Kumar v. The Secretary to Government, Industries Department, Government of Tamil Nadu, Fort St. George, Secretariat, Chennai - 600 009* [W.P.Nos.29555 of 2016, etc., decided on 04.04.2017].

45. Per contra, the learned Additional Advocate General appearing for the State, while refuting the contentions of the petitioners, *inter alia*, made the following submissions:

45.1. At the outset, most of the petitioners have accepted the notice issued under Section 15(2) of the Tamil Nadu Highways Act, 2001 and they also participated in the same.

45.2. The request made by them for enhanced compensation in terms of the New Act, 2013, has also been addressed by the Government by passing Bill No.30.

45.3. Insofar as the tenants are concerned, it is well settled that they cannot challenge the land acquisition proceedings and moreover, the respective principals have already received their compensation amounts.

45.4. Further, it is also contended that public right will prevail over private rights and hence, the claim made by the petitioners is not tenable.

45.5. With the enactment of Act 1 of 2015 on getting the assent of the President of India, amended Section 105(A) of the Central Act, included three State enactments including Tamil Nadu Highways Act, 2001 and hence, the repugnancy has been cleared with the assent of the President of India.

45.6. Therefore, the repugnancy has been cured by the enactment of the Tamil Nadu Act 1 of 2015.

45.7. Insofar as the contention of the learned Senior Counsel appearing for the petitioners that since the State Amendment was not placed before the Legislative Assembly of the State of Tamil Nadu as per para 3 of the State Amendment, it is void and not enforceable, it is submitted by the learned Additional Advocate General appearing for the State that where the consequence of non-compliance with a requirement was not provided, then the procedure is only directory and not mandatory and therefore, the contention that since the rule was not laid before the State Legislature, it is unenforceable, cannot be accepted. To strengthen the same, he placed heavy reliance upon the decision in *Atlas Cycle Industries v. State of Haryana* reported in 1979 (2) SCC 196.

45.8. Rule 5 of the Tamil Nadu Highways Rules, 2003, was duly complied with by publishing the Public Notification under Section 15 (2) of the Tamil Nadu Highways Act, 2001, in the District Gazette on 14.01.2012 and also in the daily newspapers on 24.01.2012 and 25.01.2012 respectively and hence, the claim of the petitioner in that regards lacks merit.

45.9. With regard to the claim of the petitioners that the compensation has to be paid only under the provisions of the New Act, it is contended that the Government of Tamil Nadu passed G.O.Ms.No.169, Highways and Minor Ports Department, dated 31.12.2014, inter alia, providing for determination of compensation in accordance with the First Schedule and Rehabilitation and Resettlement specified in Second and Third Schedules being beneficial to the affected persons, shall apply to the cases of land acquisition where the notices under Section 15(2) of the Tamil Nadu Highways Act, 2001, have been published on or after 01.01.2014.

46. In support of the contentions, the learned Additional Advocate General appearing for the State relied on the following decisions:

(i) *Ramniklal.N.Bhutta and another v. State of Maharashtra and others* reported in (1997) 1 Supreme Court Cases 134.

(ii) *The Tamil Nadu Fireworks and Amorges Manufacturers Association v. The Principal Secretary to Government* reported in (2013) 3 MLJ 531.

(iii) *Veeyel Enterprises v. State of Tamil Nadu* [W.A.Nos.1462 and 1463 of 2014, decided on 15.06.2015].

(iv) *Era.Soundara Pandian v. The State of Tamil Nadu* [W.P(MD) No.7413 of 2012, etc., decided on 30.10.2015].

(v) *G.Ravichandran v. The Principal Secretary, Highways and Minor Ports, Government of Tamil Nadu, Fort St. George, Chennai - 600 009* [W.P(MD)No.8929 of 2015, etc., decided on 25.02.2016].

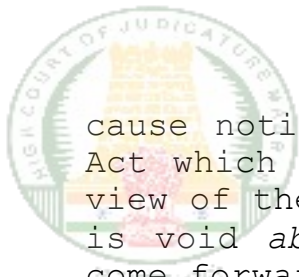
(vi) *R.Rangarajan v. The District Collector* reported in 2017 (4) CTC 265.

(vii) *N.Sathish Kumar v. The Secretary to Government, Industries Department, Government of Tamil Nadu, Fort St. George, Secretariat, Chennai - 600 009* [W.P.No.29555 of 2016, etc., decided on 04.04.2017].

47. Mr.N.S.Karthikeyan, learned Standing Counsel appearing for the fourth respondent - Executive Officer, Arulmighu Saptharishwarar Thirukovil, Lalgudi, Trichy District, while reiterating the averments made in the counter affidavits filed by the fourth respondent in the respective writ petitions, supported the land acquisition proceedings initiated by the State Government and prayed for the dismissal of all these writ petitions.

48. I have considered the submissions made on either side and perused the materials available on record.

49. It is the primordial contention of the petitioners in all these writ petitions that the land acquisition proceedings initiated under Section 15(2) of the Tamil Nadu Highways Act 2001 which is guided by the repealed and replaced Land Acquisition Act 1894. In view of the enactment of the new Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, the respondents ought not to have chosen to issue the show



cause notice issued under Section 15(2) of the Tamil Nadu Highways Act which is guided by the repealed Land Acquisition Act, 1894. In view of the new Land Acquisition Act, the impugned show cause notice is void *ab initio* in the eye of law. Hence, the petitioners have come forward with these Writ Petitions for the relief stated supra.

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50. It is further contention of the petitioners that the new Act under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 came into force on 01.01.2014. But, the present notice was originally issued under Section 15(2) of the Tamil Nadu Highways Act on 20.01.2012 and thereafter, a revised notice also came to be issued on 05.03.2013. The new Act puts in place entirely new regime for compulsory acquisition of land and provides for new scheme for compensation, rehabilitation and resettlement to the affected families whose land has been acquired or proposed to be acquired or affected by such acquisition.

51. Further, the Government has enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill 2014, to continue the acquisition of lands under the enacted three Special State Acts for the land acquisition namely, Tamil Nadu Highways Act 2001, Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 and the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act 1978 for a limited period of one year from the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

52. At this juncture, this Court feels it just and proper to refer to Section 2 of the new Central Act, that empowers both the State Government and the Central Government to acquire lands under the Act which was the position even under the repealed Land Acquisition Act. Section 2(e) of the new Central Act reads as under:

"2(e) "appropriate Government" means:

(i) in relation to acquisition of land situated within the territory of, a State, the State Government;

(ii) in relation to acquisition of land situated within a Union territory (except Puducherry), the Central Government;

(iii) in relation to acquisition of land situated within the Union territory of Puducherry, the Government of Union Territory of Puducherry;

(iv) in relation to acquisition of land for public purpose in more than one state, the Central Government, in consultation with the concerned State Governments or Union territories;

and

(v) in relation to the acquisition of land for the purpose of the Union as may be specified by notification, the Central Government:



Provided that in respect of a public purpose in a District for an area not exceeding such as may be notified by the appropriate Government, the Collector of such District shall be deemed to be the appropriate Government."

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53. In G.O.(Ms.)No.59, Highways and Minor Ports (HF1) Department, dated 29.05.2014, the State Government took into consideration the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and it is relevant to extract hereunder paragraphs 7 and 8 for ready reference:

"7. The Director General, Highways Department has therefore requested instruction of the Government for proceeding further with Land Acquisition process as per Tamil Nadu Highways Act, 2001 without any hindrance where,

- a) Process initiated under the Tamil Nadu Highways Act, 2001, where notification under section 15(2) has been made, should be allowed to continue and declaration under section 15(1) of the Tamil Nadu Highways Act, 2001, if not made should be issued. However, the interim compensation should be determined based on the procedures already in vogue subject to additional compensation being paid as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.
- b) Process initiated under the Tamil Nadu Highways Act, 2001, where the declaration under section 15(1) of the Tamil Nadu Highways Act, 2001, has been made, should be allowed to continue and the interim compensation should be determined as specified above.

8. The Government after taking into consideration of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR) Act, 2013 (Central Act 30 of 2013) have decided as follows:

"In as much as section 105-A proposed to be inserted to the Central Act 30 of 2013 by the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014, has been given retrospective effect from 1.1.2014, and pending issue of notification under section 105-A(2) of the said Central Act 30 of 2013, Interim Compensation for all cases where acquisition of land is taken up under the Tamil Nadu Highways Act, 2001 should be determined based on the procedure already in vogue subject to additional compensation being paid as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013."



54. Apposite, it is, for this Court, to reproduce hereunder G.O.(Ms)No.169, Highways and Minor Ports (HF1) Department, dated 31.12.2014, for ready reference:

"Abstract

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) passed by the Government of India - Further action in cases where process under the Tamil Nadu Highways Act, 2001 initiated on or after 01-01-2014 - Executive instructions - Orders - issued.

Highways and Minor Ports (HF1) Department

G.O. (Ms)No.169

Dated. 31-12-2014

ஜிய - மார் கழி 16, திருவள்ளூர் குண்டு 2045
Read

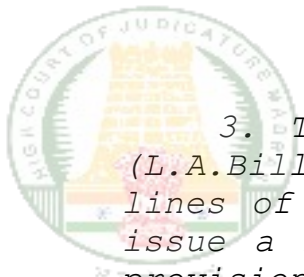
1. G.O. (Ms)No.88, Revenue Department, Dated: 21-02-14.

2. G.O. (Ms)No.59, Highways and Minor Ports Department, Dated 29-05-2014.

ORDER:

The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) came into force on 1.1.2014. This act repealed the Land Acquisition Act, 1894 (Central Act 1 of 1894).

2. In order to continue acquisition of land under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978), the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) and the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002), after the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and to apply the provisions of the Central Act 30 of 2013 for determination of compensation Rehabilitation and Resettlement to the cases of Land Acquisition under the said Tamil Nadu Acts, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014 (L.A.Bill No.30 of 2014) was passed by the Legislative Assembly seeking to amend the Central Act 30 of 2013 so as to continue the acquisition of lands under the above said State Acts after the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by including the said three State Acts in the newly inserted Fifth Schedule.



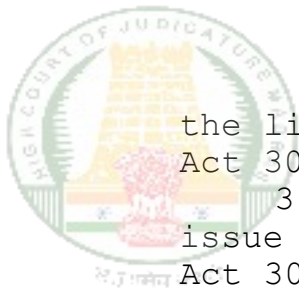
3. The Government have passed the above amendment Bill, (L.A.Bill No.30 of 2014) incorporating certain changes on the lines of Section 105 of the Central Act 30 of 2013 seeking to issue a notification within one year stating that any of the provisions of the Central Act 30 of 2013 relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land acquisition under the above Tamil Nadu Acts. The Government of India has been requested to obtain the assent of the President to the said Bill.

4. Accordingly, pending assent, to provide fair Compensation, Rehabilitation and Resettlement, the Government have now decided that the provisions of Central Act 30 of 2013 relating to determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules being beneficial to the affected families, shall apply to the cases of Land Acquisition where the notice under section 15(2) of the Tamil Nadu Highways Act, 2001 have been published on or after 1.1.2014."

55. Further, it may be relevant to extract the statement of objects and reasons behind Tamil Nadu Act 1 of 2015:

"In order to continue acquisition of land under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978), the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999) and the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002), after the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013) and to apply the provisions of the Central Act 30 of 2013 for determination of compensation to the cases of land acquisition under the said Tamil Nadu Acts, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014 (LA Bill No.5 of 2014) was passed by the Legislative Assembly on 20.02.2014 and reserved by the Governor for the consideration of the President.

2 The Government have now decided to apply the provisions of Central Act 30 of 2013 relating to rehabilitation and resettlement also to the cases of land acquisition under the said Tamil Nadu Acts, in addition to compensation. Accordingly, the Government have taken a policy decision to withdraw the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014 (L.A. Bill No.5 of 2014) and to introduce a fresh amendment Bill, incorporating certain changes, on



the lines of the provisions of Section 105 of the Central Act 30 of 2013.

3. The Bill authorises the State Government to issue a Notification to apply the provisions of Central Act 30 of 2013 relating to determination of compensation, rehabilitation and resettlement to the cases of land acquisition under the above said Tamil Nadu Acts.

4. The Bill seeks to give effect to the above decision."

56. In the Tamil Nadu Government Gazette (Extraordinary), dated 05.01.2015, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014, has been published for general information and it reads as under:

"Act No.1 OF 2015.

An Act to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in its application to the State of Tamil Nadu.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixty-fifth Year of the Republic of India as follows:-

1. (1) *This Act may be called the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014.*

(2) *It extends to the whole of the State of Tamil Nadu.*

(3) *It shall be deemed to have come into force on the 1st day of January 2014.*

2. *In the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the principal Act), after section 105, the following section shall be inserted, namely:-*

"105-A. Provisions of this Act not to apply to certain Tamil Nadu Acts or to apply with certain modifications.- (1) Subject to sub-section (2), the provisions of this Act shall not apply to the enactments relating to land acquisition specified in the Fifth Schedule.

(2) The State Government shall, by notification, within one year from the date of commencement of this Act, direct that any of the provisions of this Act, relating to the determination of compensation in accordance with the First Schedule and rehabilitation and resettlement specified in the Second and Third Schedules, being beneficial to the affected families, shall apply to the cases of land



acquisition under the enactments specified in the Fifth Schedule or shall apply with such exceptions or modifications that do not reduce the compensation or dilute the provisions of this Act relating to compensation or rehabilitation and resettlement as may be specified in the notification, as the case may be.

(3) A copy of the notification proposed to be issued under sub-section (2) shall be laid in draft before the Legislative Assembly of the State of Tamil Nadu and if the Legislative Assembly agrees in disapproving the issue of the notification or the Legislative Assembly agrees in making any modifications in the notification, the notification shall not be issued or, as the case may be, shall be issued only in such modified form as may be agreed upon by the Legislative Assembly."

3. After the Fourth Schedule to the principal Act, the following Schedule shall be added, namely:-

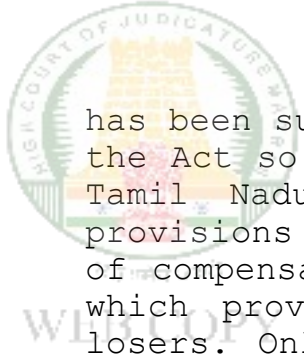
"THE FIFTH SCHEDULE.

(See section 105-A)

**LIST OF TAMIL NADU ENACTMENTS REGULATING LAND ACQUISITION
IN THE STATE OF TAMIL NADU.**

1. The Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978).
2. The Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (Tamil Nadu Act 10 of 1999).
3. The Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002)."

57. Section 105 of the new Central Act states that the provisions of the new Central Act will not apply to the land acquired under the enactments specified in the IV Schedule. In the IV Schedule to the new Central Act, 13 Central enactments have been listed. This means that the new Central Act will not apply to acquisitions under the 13 enactments listed in the IV Schedule. The new Central Act seeks to broadly achieve three dominant purposes, viz., (i) acquisition, (ii) compensation and (iii) rehabilitation. Since there is repugnancy in the field of compensation and rehabilitation, the State Legislature passed the Tamil Nadu Act 1 of 2015 to bring the compensation and rehabilitation components in the Tamil Nadu Highways Act, 2001, on par with the new Central Act by including Section 105-A and Schedule V to the new Central Act. The Tamil Nadu Act 1 of 2015 has received the Presidential assent and therefore, that defect is also cured.



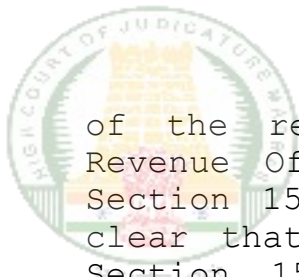
has been subsequently re-enacted must be construed with reference to the Act so re-enacted. In the considered opinion of this Court, the Tamil Nadu Act 1 of 2015 was introduced only to update the provisions of the Tamil Nadu Highways Act, 2001 relating to payment of compensation in tune with the provisions of the new Central Act which provides for the payment of generous compensation to land losers. Only qua payment of compensation and rehabilitation, there appears to have been some differences and those differences have also been bridged by the Tamil Nadu Act 1 of 2015 with the inclusion of Section 105-A and the V Schedule in the new Central Act.

59. As regards the contention of the learned counsel for the petitioners that the notification has not been placed before the Legislative Assembly as required under Section 105-A(3) of the new Central Act, this Court is of the considered view that in the case at hand, that stage has not reached at all, because, after the acquisition notification under Section 15(2) of the Tamil Nadu Highways Act, 2001, the petitioners have filed the present writ petitions and have obtained absolute stay of all further proceedings, pursuant to which, the State was not even able to proceed with the award enquiry in all cases.

60. Further, the Government has enacted the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill 2014 (L.A.Bill 5 of 2014) seeking to amend the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 so as to continue the acquisition of lands under the enacted three Special State Acts for the land acquisition, namely, Tamil Nadu Highways Act, 2001, Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997 and the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 for a limited period of one year from the date of commencement of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

61. It is true that notice under Section 15(2) of the Tamil Nadu Highways Act has been issued. Even as per Section 15(3) of the Tamil Nadu Highways Act, interested person can raise his objections. Further, as per Section 114 of the Act, the new Act repeals only the Land Acquisition Act 1894 and not the Tamil Nadu Highways Act. The Tamil Nadu Legislative Assembly by way of amendment added the Fifth Schedule by inserting Section 105-A in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill 2013, whereby, it is clear that the Act will not apply to the Tamil Nadu Highways Act, 2001.

62. In the case on hand, the notice under Section 15(2) of the Tamil Nadu Highways Act, 2001 came to be issued on 20.01.2012 and a revised notice also came to be issued on 05.03.2013. Thereafter, an enquiry under Section 15(2) of the Act was conducted and on receipt



of the recommendation of the Land Acquisition Officer/District Revenue Officer, the Government published the notification under Section 15(1) of the Act in the Government Gazette. Thus, it is clear that on the date of publication of the notification under Section 15(1) of the Act, the lands concerned vest with the Government under Section 16 of the Act. Accordingly, the lands are deemed to be vested with the Government on 05.02.2014 itself. Thereafter, enquiry under Section 19(5) of the Act came to be held on 18.12.2014 and later, on 04.03.2015, the award came to be passed by the Land Acquisition Officer/District Revenue Officer under Section 19(6) of the Act. Further, interim compensation has also been paid on 07.04.2015, by the Land Acquisition Officer/District Revenue Officer as per G.O.Ms.No.59, Highways and Minor Ports (HF1) Department, dated 29.05.2014 to the land owners.

63. Therefore, this Court finds that the respondents have issued a notice under Section 15(2) of the Tamil Nadu Highways Act and the main point urged in these writ petitions by the petitioners is that instead of invoking the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill 2013, the respondents have issued a notice under the Tamil Nadu Highways Act. However, as rightly contended by the learned Additional Advocate General appearing for the State, the Tamil Nadu Act 1 of 2015 received the assent of the President of India on 01.01.2015 and accordingly, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill, 2014 came into force on 01.01.2014 itself and thus, the repugnancy between the Central Act and the State Act, as alleged by the petitioners, is also cured. As per the amendment Act, the V Schedule is added. As per the Acts listed in the V Schedule, the operation of the Principal Act is dispensed with. The Tamil Nadu Highways Act 2001 also got inserted in the V schedule.

64. Accordingly, the new Act under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Bill 2013 is not applicable in the question of land acquisition under Tamil Nadu Highways Act. Further, under Section 114 of the Right to Fair Compensation Act, only the Land Acquisition Act 1894 is repealed. The objects and reasons are narrated under Section 105-A. When the provisions of the Act have no applicability in the Tamil Nadu Highways Act, the contention of the petitioners that notice issued under Section 15(2) is illegal, cannot be countenanced in law.

65. In the light of the foregoing discussions and reasons, all the writ petitions fail and accordingly, they are dismissed as above. Consequently, all the connected miscellaneous petitions are also dismissed. It is made clear that the land acquisition proceedings shall be completed, after complying with all the legal formalities including the payment of compensation to the parties



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concerned. In the facts and circumstances of the case, there shall be no order as to costs.

/True Copy/

Sd/-

Assistant Registrar(C.O)

Sub-Assistant Registrar

To:

- 1.The Secretary to Government, Government of Tamil Nadu,
Highways Department, Fort St. George, Chennai - 600 009.
2. The District Collector, Tiruchirappalli
- 3.The District Revenue Officer, Tiruchirappalli.
- 4.The Revenue Divisional Officer, Lalgudi Division,
Lalgudi Taluk, Trichy District
- 5.The Tahsildar, Land Acquisition, Lalgudi, Trichy District
- 6.The Tahsildar, Lalgudi Taluk, Trichy District

+25ccs to Mr.R.R.Kannan, Advocate, SR.Nos.52365 to 52368

+One cc to The Special Government Pleader, SR.No.52318

+15ccs to M/s.AL.Gandhimathi, Advocate, SR.no.52369

rsb

RL/48C/33P/SV/MMS/SAR2/15/3/2018

COMMON ORDER MADE IN

W.P(MD)No.1329 of 2015 and

M.P(MD)Nos.1 and 2 of 2015

W.P(MD)No.13652 of 2015 and

M.P(MD)No.2 of 2015

W.P(MD)No.14520 of 2015 and

M.P(MD)No.1 of 2015

W.P(MD)No.11702 of 2015 and

M.P(MD)No.1 of 2015

W.P(MD)Nos.13368 to 13381 of 2015

and M.P(MD)Nos.1 and 2 of 2015 (in all cases)

W.P(MD)Nos.16030 to 16033 of 2015

and M.P(MD)Nos.1, 1, 1 and 1 of 2015 and

W.M.P(MD)Nos.804, 2785, 1933 and 1934 of 2016

W.P(MD)Nos.10365 to 10376 of 2015 and

M.P(MD)Nos.1 and 2 of 2015 (in all cases)

W.P(MD)Nos.8995 to 8999 of 2017 and

W.M.P(MD)Nos.6868 to 6872 of 2017

01.03.2018