



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 06.12.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.24048 of 2017

and

W.M.P(MD) .Nos.20186 and 18067 of 2018

V.Ramanathan

... Petitioner

Vs.

The District Revenue Officer,
Collectorate,
Thiruchirapalli.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondent not to interfere with peaceful possession and enjoyment of **(*)T.S.No.2019/2A2A1/4 at Thimmaraya samuthiram Village, Srirangam Taluk, Thiruchirapalli District** otherwise than the due process of law.

(*)Amended vide Court order dated 06.12.2018 in WMP(MD) No.21570/2018, in WP(MD)No.24048/2017).

For Petitioner : Mr.S.Jayavel

For Respondents : Mr.Chellapandian,
Additional Advocate General
Assisted by Mr.M.Rajarajan,
Government Advocate

ORDER

The petitioner is running a Petrol Bunk in T.S.No.2019/2A2A1/4 in Thimmaraya Samuthiram Village, Srirangam Taluk, Thiruchirappalli District. The land was purchased by the petitioner way back in the year 1992. He applied to the Revenue Authorities and the revenue entries were changed in his favour in the year 2005 itself. But while issuing the acquisition notification under the Tamil Nadu State Highways Act, 2001, the name of the petitioner was not mentioned. In fact even the authorities also mentioned only the Old the Survey Number. The petitioner's grievance is that the procedure set out in Section 15 of Tamil Nadu Highways Act, 2001, has not been followed in this case.

2. I am in full agreement with the said contention. Section 15 of the said Act mandates that the Government shall call upon the owner and any other persons having interest in the acquired land to



show cause as to why the same should not be acquired. In this case, the petitioner's name has been included in the revenue records even in the year 2005. Therefore, non issuing notice to the petitioner is definitely fatal to the acquisition proceedings.

3. The learned Additional Advocate General pointed out that the petitioner's land is required for a public purpose, namely, construction of bridge. The bridge construction work is almost completed. If the bridge work is completed, the members of general public can avoid taking 5 kms circuitous route. The public purpose is evident. But then the procedure also has to be followed.

4. This Court, therefore, directs the respondent to issue notice under Section 15(2) of the Act to the petitioner.

5. By consent of parties, the need to observe the other formalities under Section 15(2) of the Tamil Nadu Highways Act is dispensed with. It is further agreed that only 7 days notice will be given. If the authority accepts the proposals/objections given by the petitioner, they will pass appropriate orders. If the authorities reject the objections of the petitioner, they will proceed to issue notification under Section 15(1) of the Tamil Nadu Highways Act, 2001.

6. The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar(CS-I)

To

The District Revenue Officer,
Collectorate,
Thiruchirapalli.

+1cc to Mr.S.JAYAVEL, Advocate, SR.No.99209

W.P(MD)No.24048 of 2017
06.12.2018

RMK
KK/RSK/SAR-1/07.12.2018/2P-3C