

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.8186 of 2019

and

W.M.P.Nos.8748, 8750, 16068 and 16070 of 2019

Anant Mandgi

... Petitioner

Versus

- 1.Union of India,
Ministry of Road Transport & Highways,
Represented by its Secretary,
No.1, Parliament Street,
New Delhi-110 001.
- 2.The Competent Authority,
Special District Revenue Officer (Land Acquisition),
National Highways,
No.433, Ex-Serviceman Welfare Building,
Bangalore Road, Newpet,
Krishnagiri.
- 3.The National Highways Authority,
Rep.by its Regional Project Director,
Project Implementatio Unit-
Bengaluru (Expressway),
#718, 11th cross, 20th Main,
Padmanabha Nagar,
Bengaluru-580 070.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Certiorarified Mandamus calling for the records of the 2nd respondent dated 12.12.2018 bearing reference Roc.26/2018/L3 and quash the same and thereby forebear the respondents from further proceeding with the acquisition in respect of the petitioner's land situated in at Bairamangalam Village, Denkanikottai Taluk, Krishnagiri District bearing Survey Nos.612/B, 612/C1, 824/B4, 824/B5 and 824/C.

For Petitioner : Mr.S.R.Raghunathan

For R1 and R3 : Mr.G.Karthikeyan

For R2 : Mr. D.Raja,AGP

O R D E R

The petitioner herein is aggrieved by the order passed by the second respondent herein under the National Highways Act. The main contention of the petitioner is that his property situated at Bairamangalam Village, Denkanikottai Taluk, Krishnagiri District sought to be acquired by the respondent, for which the first respondent issued a notification on 06.07.2018 expressing his intention to acquire the land.

2. Aggrieved by that, he made a representation under Section 3C objecting the alignment. The grievance of the petitioner is that on 25.10.2018, he was called for personal hearing. During the personal hearing, he sought for time to make a detailed objection after conducting the spot inspection. The authority also conceded for it. However without spot inspection, they have proceeded and passed ordered under Section 3(d).

3. In the counter, the respondents 1 to 3 have specifically stated that adequate opportunity was afforded to the petitioner herein. Only after hearing of the petitioner and taking note of other factors, they have proceeded to issue notification under Section 3C and thereafter they have proceeded further and now order under Section 3(d) has also been issued on 08.03.2019 declaring the acquisition. In the counter affidavit, it is specifically stated that on 25.10.2018, when the petitioner was present with his objections, he was heard and the petitioner along with the officials of the respondent department fixed 26.10.2018 as the date for joint inspection. But, on that day, the petitioner did not turn up. This fact is disputed by the petitioner herein.

4. In the light of the disputed fact and the petition being given to understand that he will be afforded further opportunity to make spot inspection for filing further objection, it is suffice to direct the respondents herein to carry out the spot inspection jointly with the petitioner on 22.06.2019. The respondent shall not proceed any further as per the declaration under Section 3(d) till the joint inspection is concluded and the enquiry proceedings completed. The petitioner and the respondents are advised to complete the enquiry proceedings within a period of three days from the date of joint inspection.

5. With the above said direction, this writ petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

rpl

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Union of India,
Ministry of Road Transport & Highways,
No.1, Parliament Street,
New Delhi-110 001.
2. The Competent Authority,
Special District Revenue Officer (Land Acquisition),
National Highways,
No.433, Ex-Serviceman Welfare Building,
Bangalore Road, Newpet,
Krishnagiri.
3. The Regional Project Director,
The National Highways Authority,
Project Implementatio Unit-
Bengaluru (Expressway),
#718, 11th cross, 20th Main,
Padmanabha Nagar,
Bengaluru-580 070.

+1cc to Mr.S.R.Raghunathan, Advocate, SR.No.49674

+1cc to Mr.G.Karthikeyan, Advocate, SR.No.49876
(dated: 20.06.2019)

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