

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.10297, 10301, 10304, 10343,
10345, 10348 & 10351 of 2020 and
W.M.P.Nos.12513, 12514, 12515, 12517,
12519, 12522, 12523, 12568, 12570, 12571,
12573, 12577, 12578, 12579 & 12580 of 2020

1.S.Ambika
2.R.Suganya
3.R.Barathan ... Petitioners in W.P.No.10297 of 2020
V.K.Venkatesalu ... Petitioner in W.P.No.10301 of 2020
DR.R.Dhanalakshmi ... Petitioner in W.P.No.10304 of 2020
C.Venkatasubramanian ... Petitioner in W.P.No.10343 of 2020
M.Manoharan ... Petitioner in W.P.No.10345 of 2020
Prof.M.Jayaraman ... Petitioner in W.P.No.10348 of 2020
K.Hariharan ... Petitioner in W.P.No.10351 of 2020

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Highways Department,
Fort St. George, Chennai 9.
2.The District Collector,
Coimbatore District, Coimbatore.
3.The District Revenue Officer,
Collectorate Office, Coimbatore.
4.The Tahsildar,
Coimbatore North,
Coimbatore District. ... Respondents in all W.Ps.

COMMON PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Erata Notification dated 03.01.2020 in the "The New Indian Express Daily" under Ref.No.23292/2017/F3 issued by the third respondent in one issue of Indian Express in so far as the

same relating to the petitioners' Plot Nos.355, 350, 283, 282, 352 & 357 Survey Nos.168/21, 168/12, 168/33, 168/16 & 168/25 by NGGO Officers Rural Co-operative Society, Coimbatore and to quash the same and direct the respondents not to proceed with the acquisition of the petitioner's land under Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002) and to pass orders.

In all W.Ps.

For Petitioner : Mr.P.Ravi Shankar Rao for
Mr.R.Dasaratha Rao

For Respondents: Mr.E.Manoharan,
Special Government Pleader

C O M M O N O R D E R

By consent given by both sides, the writ petitions have been taken up for final hearing.

2.The subject matter of challenge in all the writ petitions is the impugned Erata Notification dated 03.01.2020 issued by the third respondent. The common grievance expressed by all the petitioners is that the lands belonging to the petitioners was sought to be acquired under the Tamil Nadu Highways Act, 2001. The petitioners have given their objections. Earlier the objections were rejected by the District Revenue Officer, Coimbatore and it become a subject matter of challenge before this Court. This Court while passing the order, recorded the submissions of the learned Government Pleader to the effect that the earlier order has been recalled and all the objections received by the third respondent will be submitted to the Government in order to enable the Government to pass further orders under Section 15 (3) of the Highways Act. The grievance of the petitioners is that even without complying with this order, the third respondent had published the Erata Notification and therefore, the same is challenged before this Court.

3.Mr.E.Manoharan, learned Special Government Pleader appearing on behalf of the respondents submitted that subsequent to the Erata Notification issued on 03.01.2020, there was one more Erata Notification that was published on 14.07.2020. The learned Special Government Pleader further submitted that there are totally 48 objections that have been received by the third respondent and all these objections have been submitted to the Government on 05.08.2020. The learned counsel submitted that the respondents wanted to give an opportunity to all the land owners and therefore, they waited till all the land owners submitted their objections. The learned counsel further submitted that the objections will now be considered by the Government and further orders will be passed under Section 15(3) of the Highways Act, in accordance

with the earlier order passed by this Court.

4.The learned counsel for the petitioners submitted that the petitioners were given an impression that the respondents are going to proceed further even without considering their objections and therefore, the writ petitions were filed before this Court. The learned counsel submitted that the first respondent must be directed to consider all the objections before passing final orders under Section 15(3) of the Highways Act.

5.Taking into consideration the facts and circumstance of the case and recording the submission made by the learned Special Government Pleader, there shall be a direction to the first respondent to consider the objections made by the land owners before passing orders, under Section 15(3) of the Highways Act.

6.All these writ petitions are disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vkr

To

- 1.The Secretary to Government,
Highways Department,
Fort St. George, Chennai 9.
 - 2.The District Collector,
Coimbatore District, Coimbatore.
 - 3.The District Revenue Officer,
Collectorate Office, Coimbatore.
 - 4.The Tahsildar,
Coimbatore North,
Coimbatore District.
 - 5.The Government Pleader,
High Court, Madras.
- +1 cc to The Government Pleader Sr.No. 26453

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PVS (CO)

RMP (31/08/2020)