

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2020

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.No.13770 of 2020
and WMP.Nos.17114 & 17115 of 2020

P.Natarajan

... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by its Secretary to Government,
Highways and Minor Ports,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Erode District.

3.The District Revenue Officer
cum Land Acquisition Officer,
Erode.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus to call for the records on the file of the 1st respondent in G.O.No.275 dated 31.12.2013, published in Part-II Section 2 of Tamil Nadu Government Gazette No.5 dated 05.02.2014 and the proceedings of the 3rd respondent in NAKA.7247/2007/B1 dated 25.08.2020 and quash the same as illegal, incompetent, unconstitutional and without any jurisdiction.

For Petitioner : Mr.V.Raghavachari

For Respondents: Mr.V.Anandamoorthy,
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the notification issued in the Government Gazette dated 05.02.2014 under Section 15(1) of the Tamil Nadu Highways Act, 2001 and the consequential proceedings of the 3rd respondent dated 25.08.2020.

2.The case of the petitioner is that he is the owner of the subject property. According to the petitioner, the said subject property was made a subject matter of acquisition under the Tamil Nadu Highways Act, 2001, without serving any notice to the petitioner. According to the petitioner, he was kept completely in dark and he came to know about the acquisition proceedings only after the District Collector issued a notice dated 10.08.2020 under Section 19(5) of the Act, calling the petitioner for an enquiry in order to fix compensation for the lands acquired by the Highways Department.

3.Heard Mr.V.Raghavachari, learned counsel appearing on behalf of the petitioner and Mr.V.Anandamoorthy, learned Additional Government Pleader appearing on behalf of the respondents.

4.The petitioner has come up with a specific case that he was not served with any notice at any point of time throughout the proceedings and the only notice issued to the petitioner was at the time of determination of compensation by the District Collector.

5.The learned Additional Government Pleader has circulated the records and a copy of the same has also been furnished to the learned counsel for the petitioner. The records shows that the petitioner has received notice as early in the year 2014 itself. The petitioner has signed and received the notice. In spite of receiving the notice in the year 2014 itself, the petitioner chose to be silent for nearly six years and has approached this Court by filing this writ petition in the year 2020 challenging the notification dated 05.02.2014. The petitioner has not given any objection in spite of receiving the notice in the year 2014.

6.The petitioner having received the notice in the year 2014, has chosen to take a ground in the writ petition as if he was never served any notice and he was kept in dark throughout the acquisition proceedings. This statement made by the petitioner in the affidavit runs contrary to the records submitted before this Court. Obviously, the petitioner has approached this Court with unclean hands. That apart the challenge made by the other land owners whose properties were also acquired in the same proceedings was also rejected by this Court in W.P.No.29165/2014 by order dated 30.08.2019

7.In view of the above, this Court is not inclined to entertain this writ petition both on the ground of laches and on the ground that the petitioner has approached this Court with unclean hands.

8.In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Highways and Minor Ports,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Erode District.

3.The District Revenue Officer
cum Land Acquisition Officer,
Erode.

+1cc to M/s.V.Raghavachari, Advocate Sr.35972

WP.No.13770 of 2020
and WMP.Nos.17114 & 17115 of 2020

ajs[col]
srg 04/12/2020

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