

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2020

CORAM

THE HONOURABLE MR.JUSTICE N. ANAND VENKATESH

W.P.No.18997 of 2020
& W.P.No.19000 of 2020

T.Govindaraj ... Petitioner in WP.18997/2020
V.Nagaraj Petitioner in WP.19000/2020

Vs.

1. Land Acquisition Officer cum
Special District Revenue Officer,
Jalagandapuram Bye-Pass Project,
O/o. District Collector,
Salem.
2. Sub-Collector,
Mettur, Salem District. Respondents in
both petitions

Prayer in both Wps. : Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of certiorari calling for the records pertaining to the impugned notification Na.Ka.No.23789/2020/B1 dated 06.10.2020, issued by the 1st respondent and published in Dinamani Daily Newspaper on 09.10.2020 for acquisition of land for the project of formation of Jalagandapuram By-Pass Road in Mettur Taluk and Salem District, followed by the Impugned notice in Na.Ka.No.23789/2020/B1 dated 09.10.2020 issued by the 1st respondent to the petitioner and quash the same, in so far as the petitioner's land is concerned.

For Petitioner :Mr. R.Neelakandan

For Respondents:Mr. V.Ananda Murthy, Addl. Govt.
Pleader

O R D E R

These Writ Petitions have been filed challenging the impugned Notification dated 6.10.2020 issued under section 15(2) of the Tamil Nadu High Ways Act.

2. The petitioners are the owners of the subject property. A Notification was issued by the 1st respondent under section 15 (2) of the Tamil Nadu Highways Act 2001 (hereinafter called as 'Act') and the properties belonging to the petitioners were also included in the Notification. The petitioners have given their objections on 21.10.2020 and 9.11.2020 respectively. The grievance of the petitioners is that the respondents are pre-determined to acquire the properties and the same is clear from the language used in the Notification published in the Tamil Newspaper on 9.10.2020. In view of the same, the present Writ petitions have been filed challenging the Notification issued by the 1st respondent.

3. The learned counsel appearing on behalf of the petitioners submitted that the Notification issued under section 15(2) of the Act can only be a proposal for acquiring the land and the decision can be arrived at only after considering the objections and issuing the final notification under section 15(1) of the Act. The learned counsel submitted that words used in the Notification clearly reflects the pre-determined mind of the respondents.

4. Per contra, Mr. Ananda Murthy, learned Addl. Govt. Pleader appearing on behalf of the respondents submitted that this mistake has crept in only in the publication made in the Tamil Newspaper and the words that were used in the English Newspaper was in line with the language used under section 15(2) of the Act. The learned Addl. Govt. Pleader submitted that necessary errata will be issued by the 1st respondent by properly wording the impugned notification.

5. In the considered view of this Court, the petitioners have already given their objections and they have also participated in the enquiry that was convened by the 1st respondent on 21.11.2020 and given their statements. This Court expects the respondents to act strictly in accordance with law which was explained by this Court in Ponnayal and others vs The State of Tamil Nadu and others reported in 2020 7 MLJ, page 28 and in the case of M.Lenin Kumar and others vs The State of Tamil Nadu and others reported in 2020 8MLJ 152. The necessary errata shall also be issued by the 1st respondent.

6. This Court is not inclined to interfere with the Notification issued by the 1st respondent at this stage and this Court feels that it is too premature to stall the proceedings initiated by the respondents. This Court takes this opportunity to instruct the officials that they should be more careful in the language that is used at the time of publishing the Notifications under the Land Acquisition Enactments. This is more so when such publication is made in Tamil.

7. Both the Writ Petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

msr
To

1. The Land Acquisition Officer cum
Special District Revenue Officer,
Jalagandapuram Bye-Pass Project,
O/o. District Collector,
Salem.
2. The Sub-Collector,
Mettur, Salem District.

W.P.No.18997 of 2020
and
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