



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.5066 of 2019

WEB COPY

1.K.Kalichamy

2.Latha Kalichamy

... Petitioners

Vs.

1.The Special District Revenue Officer,
(Land Acquisition),
Tamil Nadu Road Development Scheme - II,
Salem - 5.

2.The Divisional Engineer (H),
Tamil Nadu Road Sector Project-II,
Thiruppur.

3.The Project Director,
Tamil Nadu Road Sector Project - II,
TNMB Building,
171, South Kesavaperumal Puram,
Greenways Road,
R.A.Puram,
Chennai - 600 028.

4.The Superintending Engineer,
Tamil Nadu Road Sector Project - II,
Salem.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to limit the acquisition of the land comprised in Survey No.95/1B2 situated at A-Nalroad, Poosaripatti Village, Ottanchathiram Taluk, Dindigul District from 11.5 to 13.5 metres for expansion of SH-37 (Ottanchathiram-Tharapuram-Thiruppur) on the basis of the representations dated 10.03.2016, 07.06.2018, 15.11.2018, 05.01.2019 and 04.02.2019.

For Petitioners : Mr.R.G.Shankar Ganesh

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader.

**ORDER**

The petitioners have filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents to limit the acquisition of the land comprised in Survey No.95/1B2 situated at A-Nalroad, Poosaripatti Village, Ottanchathiram Taluk, Dindigul District from 11.5 to 13.5 metres for expansion of SH-37 (Ottanchathiram-Tharapuram-Thiruppur) on the basis of the representations dated 10.03.2016, 07.06.2018, 15.11.2018, 05.01.2019 and 04.02.2019.

2. According to the petitioners, the property comprised in Survey No.95/1B2 is situated in the left hand side of SH37 in A-Nalroad, Poosaripatti Village and the land stretch of 170 metres long is about 490 metres from the said four road junction. While so, the first respondent issued a notice under Section 15(2) of the Tamil Nadu State Highways Act, 2001 (Tamil Nadu Act 34/2002) on 01.03.2016 stating that an extent of 0.1468 sq.metres of land comprised in Survey No.95/12 is being sought to be acquired. Hence the petitioner sent a representation dated 10.03.2016 to the respondents to acquire the alternative site which are available on the opposite side of the petitioners land and thereafter, he has made several representations to the authorities on 07.06.2018, 15.11.2018, 05.01.2019 and 04.02.2019. Since no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

3. The learned counsel appearing for the petitioner submitted that the depth of acquisition is only 11.5 - 12.5 metres from the centre line and the depth of the acquisition is increased from 11.5 metres to 17.5 metres and hence, the petitioner made an objection in respect of 17.5 metres. Further, the learned counsel submitted that the aforesaid lands were acquired under the notification, but some of the portion of the land has been unutilised by the department for laying the road and the respondents have not paid the compensation amount to the petitioners for the acquired land.

4. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the respondents have deposited the compensation amount of Rs.8,19,378/- in the Indian Bank, Fairland Branch, Dindigul and if the petitioners approach the concerned authority for withdrawal of the said amount, appropriate orders will be passed. Insofar as the grievance of the petitioners that some of the portion of the land has been unutilised by the department for laying the road is concerned, the entire land acquisition proceedings is now over and the project has been completed.



5. Taking note of the aforesaid submissions made by the learned counsel appearing on either side, the project of widening of the road has now been completed by the Department and the respondents have deposited the amount of Rs.8,19,378/- in the Indian Bank, Fairland Branch, Dindigul, this Court is inclined to pass the following order:

(i) The petitioner shall submit an application before the authority concerned for withdrawing the aforesaid amount within a period of four weeks from the date of receipt of a copy of this order.

(ii) On receipt of the said application, the respondents shall consider the same in accordance with Rules, as expeditiously as possible.

(iii) Insofar as re-conveying the land or return the acquired land to the petitioners for unutilised lands is concerned, it is open to the petitioners to make an application before the authority concerned seeking for such relief.

6. With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

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+1 CC to M/s.GP (SR-15234[F] dated 28/08/2020)

Order made in
W.P. (MD)No.5066 of 2019
Dated: 27.08.2020

AVS (CO)
TR(07.09.2020) 4P 6C