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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.08.2021

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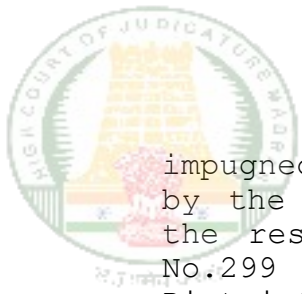
THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MRS.JUSTICE S.KANNAMMAL

W.A.No.1121 of 2021
and C.M.P.No.7073 of 2021

- 1.State of Tamil Nadu
Rep. by The Additional Chief Secretary,
Highways & Minor Ports Dept.,
Secretariate, Chennai - 600 009.
 - 2.The Special District Revenue Officer,
(Land Acquisition Officer),
Chennai - Kanniyakumari Industrial Corridor Project,
Plot No.74, Vijayaraghavan Nagar,
Zahir Ammapalayam,
Salem District - 636 302.
 - 3.The Divisional Engineer,
Highways Department,
Vaigai Street, Highways Nagar,
Salem - 636 005.
 - 4.The District Collector,
Namakkal District, Namakkal .. Appellants
- Vs
- 1.M.Leninkumar
 - 2.K.Natesan
 - 3.S.Jothi
 - 4.C.Muthusamy
 - 5.P.Annamalai
 - 6.R.Subramaniam
 - 7.R.Sellapan
 - 8.P.Pandian
 - 9.M.Karunanithi .. Respondents

Appeal filed under Clause 15 of Letters Patent against the order dated 28.10.2020 made in W.P.No.13976 of 2020.

Prayer in W.P.No.13976 of 2020: Writ Petition filed under Article 226 of the Constitution of India, the issue Writ of Certiorarified Mandamus calling for records relating to the



impugned in Na.Ka.no.7/2019/A3(SH - 95) dated 17.06.2020 passed by the 2nd respondent quash the same and consequently forbear the respondents from acquiring our houses constructed in S.F. No.299 Akkiyampatti Village, Sendamangalam Taluk, Namakkal District for the formation/ Widening of the State Highways by considering our objections dated 06.05.2020 and 25.08.2020.

For Appellants : Mr.D.Ravichander,
Government Counsel

For Respondents : Mr.N.Manokaran

JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

This appeal is directed against the order dated 28.10.2020 made in W.P.No.13976 of 2020.

2. The issue involved is no longer res integra. Against the very same common judgment, writ appeal in W.A.No.555 of 2021 has been filed and this Court by order dated 28.07.2021 dismissed the said writ appeal, wherein, it has been held as follows:-

.....
2. Learned Government Counsel appearing for the appellants placing reliance upon the judgment of the learned Single Judge in Titanium Equipment and Anode Manufacturing Company Limited Vs. State of Tamil Nadu and Others (2018 4 CTC 814) submitted that the power of eminent domain is available and the manner in which the recommendation is made by the second appellant will have no impact on the acquisition proceedings as it is merely recommendatory. The first appellant has considered the entire materials and rejected it.

3. Learned counsel appearing for the respondents/writ petitioners submitted that the first appellant is expected to apply his mind over the materials placed before him which is inclusive of the views of the requisitioning authority, if any, views of the recommendation of the second appellant and the objection of the respondents. Mere mechanical acceptance is not required especially when the Act is expropriatory in nature. It is further submitted that pursuant to the order of the learned Single Judge, re-enquiry was initiated and the objections of the respondents have already been received.



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4. Having heard the learned counsel appearing for the parties, we do not find any error warranting interference with the order of the learned Single Judge. Apart from the subsequent development, there is nothing wrong in the reasoning adopted by the learned Single Judge. As observed by us, the Act being expropriatory in nature, there has to be a strict compliance. The learned Single Judge taking note of the relevant materials came to the conclusion that there is non-application of mind on the part of the first appellant and the second appellant has rejected it, which weighed in the mind of the first appellant.

5. We find no reason to interfere with the order of the learned Single Judge and having found that the order of the learned Single Judge relied upon by the learned Government Counsel does not have any application to the case on hand.

6. The writ appeal accordingly stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

3. The said ratio being applicable to the case on hand, this writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

1.The Additional Chief Secretary,
State of Tamil Nadu,
Highways & Minor Ports Dept.,
Secretariate, Chennai - 600 009.

2.The Special District Revenue Officer,
(Land Acquisition Officer),
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3.The Divisional Engineer,
Highways Department,
Vaigai Street, Highways Nagar,
Salem - 636 005.

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4.The District Collector,
Namakkal District, Namakkal.

+1cc to Government Pleader Sr No.39121

W.A.No.1121 of 2021

NRL (CO)
PR (03/09/2021)