



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
AND
THE HON'BLE MS.JUSTICE R.N.MANJULA

W.A.No.555 of 2021 and W.P.13976/2020
and C.M.P.No.2212 of 2021

1. The Commissioner of Land Administration(FAC),
Ezhilagam, Chepauk,
Chennai - 600 006.
2. The Special District Revenue Officer,
(Land Acquisition Officer),
Chennai - Kanniyakumari Industrial
Corrirod Project,
Plot No.74,Vijayaraghavan Nagar,
ZahirAmmapalayam,
Salem District - 636 302.
3. The District Collector,
Namakkal District, Namakkal.
4. The Divisional Engineer,
Highways Department,
Vaigai Street, Highways Nagar,
Salem - 636 005.

..Appellants/Respondents

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/Petitioner

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

W.P.No.13976 of 2020 : To issue a 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 or houses constructed in S.F. No.299 Akkiyampatti Village Sedamangalam 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

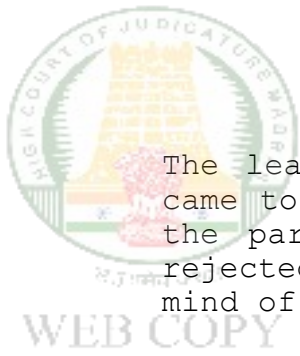
JUDGMENT
(Delivered by M.M.SUNDRESH, J.)

This appeal has been preferred against the order of the learned Single Judge, who allowed the writ petition on two counts, namely, the second appellant has exceeded his jurisdiction by rejecting the objection made by the respondents and the first appellant has abdicated his duty. Challenging the aforesaid order, the present appeal has been filed.

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.

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, when his role is different, which weighed in the mind of the first appellant.

5. We find no reason to interfere with the order of the learned Single Judge, 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.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

mmi/ssm

To

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

+lcc to M/s.N.Manokaran, Advocate, S.R.No.36317
+lcc to the Government Pleader, S.R.No.36588

W.A.No.555 of 2021

AJS(CO)
RGA(25/08/2021)