

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 1600 of 2021

and

W.M.P. Nos.1809 & 1811 of 2021

1.N.Nachiappan

2.K.Govindan

.. Petitioners

Vs

1. The Government of Tamilnadu,
Rep. by its Principal Secretary,
Public Works Department (No.1),
Fort St. George, Chennai - 600 009.

2. The District Collector,
Salem.

3. The Land Acquisition Officer,
Sub Collector,
Mettur, Salem District.

4. The Principal Chief Engineer,
WRD, Public Works Department,
Chepauk, Chennai - 600 005.

5. The Tahsildar,
Mettur, Salem District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to consider the objections of the petitioners and consequently forbearing the respondents from laying pipe lines in the petitioners Agricultural Patta lands in Survey Nos.167/1A and 167/3A of Avadathur Village, Mettur Taluk, Salem District, contrary to Section 10 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, (Act 30 of 2013), and other provisions thereon.

For Petitioners : Mr. S.Senthilnathan

For Respondents : Mr.V.Anandamorthy

Additional Government Pleader

O R D E R

This Writ Petition has been filed for issuance of Writ of Mandamus directing respondents to consider the objections of the petitioners and consequently forbearing the respondents from laying pipe lines in the petitioners Agricultural Patta lands in Survey Nos.167/1A and 167/3A of Avadathur Village, Mettur Taluk, Salem District, contrary to Section 10 of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, (Act 30 of 2013), and other provisions thereon.

2. Brief facts that are stated in the affidavit filed in support of this writ petition is as follows:

The Government of Tamil Nadu issued G.O. Ms. 220 dated 21.09.2020, for acquiring certain lands including the petitioner's land in relation to Sarabanga Lift Irrigation Project. The acquisition was proposed by negotiations as per the notification dated 21.09.2020. In the said notification the details about the proposal was indicated. By a subsequent notification dated 13.07.2020 some alterations were made in the said proposal. Pursuant to the Government's decision to execute the project by acquiring lands, a notice was issued to the petitioners and other owners on 15.10.2020, inviting objection from the land owners to show cause why the lands cannot be acquired for the public purpose. It is stated by the petitioners that objections have been raised by the petitioner for the acquisition. The objections raised by the petitioners and other land owners are manifold. It is stated by the petitioners that the petitioner's holdings is very small and meagre and that therefore, the livelihood will be affected in case the acquisition is proceeded. The further objection is that the respondents have alternative lands and that the Government can also acquire poramboke lands for the public purpose. It is further stated that repeated representations were made to the Land Acquisition Officer and other Revenue Officials by the petitioner in this regard. After raising objections for acquisition, the petitioner has approached this Court apprehending that the respondents may not consider his objections and that they will proceed with the acquisition without considering the objection of the petitioner and other landlords.

3. This Court is unable to entertain this Writ Petition based on the apprehension of the petitioner. The respondents have to follow the procedure under Act 30 of 2013 (The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act). The acquisition proceeding

has been properly initiated and it is in the preliminary stage of inviting objections from the landowners. Only after holding an enquiry, the Government can take a decision whether to acquire the land or not. Assuming that the Government takes a decision without considering the objections raised by the landlord, it is open to the petitioner to challenge the acquisition proceedings. Even before a decision is taken by the Government regarding acquisition of land, it is not proper for the petitioner to approach this Court seeking a prayer of mandamus forbearing them from laying pipelines.

4. Pendency of writ petition will only create a confusion and it will not help anyone. In such circumstances, this Court is not inclined to keep this writ petition pending. However, liberty is granted to the petitioner to raise all the objections before the concerned authority during enquiry. The respondents are also directed to strictly follow the procedure as contemplated under the provisions of Act 30 of 2013 (The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act) and proceed only in accordance with law. Till such time the petitioner's possession or enjoyment cannot be interfered with.

5. The Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
Public Works Department (No.1),
Fort St. George, Chennai - 600 009.

2.The District Collector,
Salem.

3.The Land Acquisition Officer,
Sub Collector,
Mettur, Salem District.

4.The Principal Chief Engineer,
WRD, Public Works Department,
Chepauk, Chennai - 600 005.

5.The Tahsildar,
Mettur, Salem District.

+1 cc to The Government Pleader Sr.No. 5364

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PMK (CO)
RMP (29/03/2021)



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