

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2021

CORAM : JUSTICE N.SESHASAYEE

W.P.No.3983 of 2021

R.Arivalagan

...Petitioner

Vs.

1.The District Collector
District Collector Office
Coimbatore - 18.

2.The District Revenue Officer
Dindigul District
Dindigul.

3.The Special Tahsildar
Land Acquisition
Dindigul.

4.The Project Director
Project Implementation Unit
National Highways Authority of India
A.P.J. Abdulkalam Street
Senna Naickenpatti
Dindigul - 624 004.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents not to utilize the petitioner's lands other than the purpose of laying four way roads based on his representation dated 08.09.2018 given to the respondents regarding the notification dated 24.08.2018 issued by the fourth respondent Vide Na.Ka.No.1668/2018/A1/CU209, dated 23.08.2018.

For Petitioner : Mr.C.Veeraraghavan

For Respondents: Mr.E.Manoharan
Special Government Pleader [R1 to R3]
Mr.Su.Srinivasan [R4]

ORDER

The short prayer in this case is that the property of the petitioner comprised in S.No.191/1, Puliyampatti Village, Pollachi Taluk has been notified for acquisition for the purpose of laying a four-lane roads by the National Highways Authority

of India, Vide its notification dated 23.08.2018. The petitioner submits that as per the information he had obtained from the fourth respondent, in the property of the petitioner, the authority concerned proposed to put up a restaurant. He now seeks a direction to the Land Acquisition Authority to use his land for the purpose of laying the four way roads.

2. Heard Mr.E.Manoharan, learned Special Government Pleader for respondents 1 to 3 as well as Mr.Su.Srinivasan, learned counsel for the fourth respondent.

3. The acquisition of lands for Highways purpose can have multiple requirements. This Court may not be able to sit in judgment on various aspects that goes to constitute a certain project. According to the petitioner, there are Government lands available adjacent to his lands and that may be beneficially utilised for putting up any restaurant.

4. This Court does not want to enter discussion on the merit of the matter, but only like to observe that if there are adjacent government lands, which may be utilised for the purposes such as the one which the petitioner indicates, it may be considered by the fourth respondent, since acquiring the lands for such purposes definitely involve a price to be paid to the land owners, for which the financial resources have to be utilised. This however should not be construed as this Court passing any opinion as to the alignment already proposed, or sitting on judgment over the project report as prepared for the benefit of the National Highways Authority of India. Inasmuch as the petitioner has preferred a representation dated 08.09.2018, the fourth respondent is directed to consider the same and dispose of the same in the line of the observation made herein above, within a period of sixteen (16) weeks from the date of receipt of a copy of this order.

5. The writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ds

To:

1.The District Collector
District Collector Office
Coimbatore - 18.

2.The District Revenue Officer
Dindigul District
Dindigul.

3.The Special Tahsildar
Land Acquisition
Dindigul.

4.The Project Director
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+1cc to M/s.C.Veeraraghavan, Advocate, sr no.15483

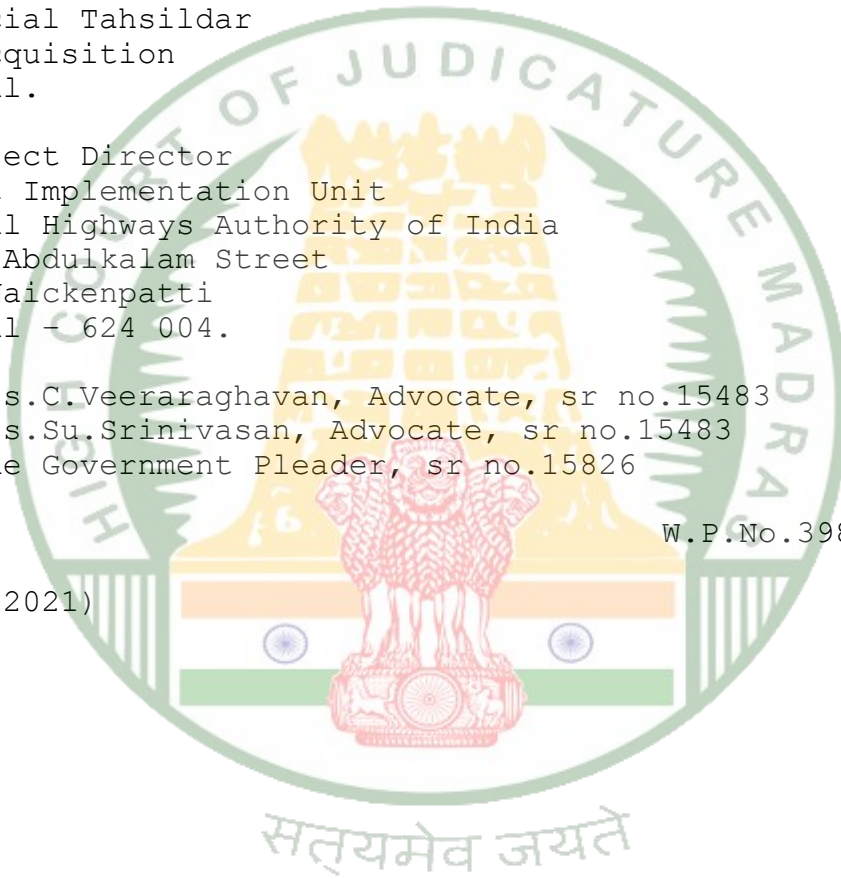
+1cc to M/s.Su.Srinivasan, Advocate, sr no.15483

+1cc to The Government Pleader, sr no.15826

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PMK (CO)

RMP (09/04/2021)



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