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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2021

CORAM

THE HON'BLE MR. JUSTICE S.S.SUNDAR

W.P.No. 7879 of 2021

M/s. Life Aid Centre For Disabled Society,
Represented by its Secretary,
Vinoth Kumar, having registered office at
No.23, Rajaji Street, Manavalanagar,
Thiruvallur District.

...Petitioner

Vs

1.The Special District Revenue Officer (L.A),
Tamil Nadu Highway Development Project,
Guindy, Chennai - 32.

2.The Special District Revenue Officer (L.A),
Office of the Land Acquisition,
Chennai - Kanyakumari Industrial Scheme,
Kancheepuram, Kancheepuram District.

3.The Special Tahsildar (L.A),
CKICP, Arakkonam,
Ranipet District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to initiate the land acquisition proceedings under Section 15 (2) of the Tamil Nadu Highways Act, 2001 against the petitioner society based on sale deed in Document No.1782/1995 on the file of SRO, Joint-II, Arakonam dated 01.11.1995 within the time frame that may be fixed by this Court.

For Petitioner : Mr.S.Arokia Maniraj

For RR 1 to 3 : Mr.Anandamurthy
Special Government Pleader



O R D E R

This Writ Petition is filed by the petitioner for issuing a direction to the respondents to initiate the land acquisition proceedings under Section 15(2) of the Tamil Nadu Highways Act, 2001 against the petitioner's society based on the sale deed in Document No.1782/1995 on the file of SRO, Joint-II, Arakonam dated 01.11.1995.

2. The case of the petitioner is that they purchased the property through a registered Sale Deed dated 01.11.1995. It is also stated that the petitioner's society has obtained recognition for running a school and is also paying the property tax for the property, after purchase. It is admitted that the respondents initiated land acquisition proceedings under the Tamil Nadu Highways Act, 2001. However, it is stated that the petitioner's name was not found in the notification originally issued by the respondents for acquiring the land. The reason appears to be that petitioner's name was not shown in the Revenue records. The petitioner gave a representation regarding their ownership. It is stated that the petitioner society has been in absolute possession and enjoyment of the property till date.

3. It is also stated that the petitioner's society started a school for the deaf and disabled. While so the petitioner received a notice directing to appear for an enquiry on 13.01.2021, in relation to disbursement of compensation to the rightful owners'. The petitioner was asked to appear and report about their interest in the land which was acquired.

4. The learned Special Government Pleader appearing for the respondents, on instructions, submitted that the land acquisition proceedings under the Tamil Nadu Highways Act, 2001 was initiated and that subsequently, the Gazette Notification under Section 15(1) of the Tamil Nadu Highways Act, 2001 was published in Gazette No.374 dated 12.09.2020. He further submitted that after issuance of Gazette Notification, an enquiry under Section 19 (2) of the said Act was conducted on 21.10.2020. It is further submitted that one Mr.A.T.Raja claiming to be the legal heir of the original land owner Mr.Arumugam, appeared for enquiry and has not accepted the quantum of compensation that was proposed to be paid in connection with the land acquisition. It is further submitted that the petitioner attended the award enquiry which was conducted by the first Respondent on 27.11.2020 and submitted relevant documents claiming right over the lands in Survey Nos.320 and 321 in the Village.



5. It is under these circumstances, the petitioner has now come forward with a prayer directing the respondent to initiate fresh acquisition against the petitioner. If the petitioner has any grievance due to want of notice under Section 15(2) of Tamil Nadu Highways Act, 2001, he can challenge the notification. However, the petitioner cannot direct the respondents to initiate fresh proceedings. Merely because the notification originally issued under Section 15(2) or 15(1) of the Act, does not show the name of petitioner as the owner of the property, the notification does not become invalid.

6. The learned Special Government Pleader appearing for the respondents also submitted that the petitioner has purchased the property. However, the petitioner's name was not included in revenue records. The petitioner has not come forward with specific grievance against acquisition.

7. Under these circumstances, after receiving notices for award enquiry, the petitioner has now approached this Court with a prayer which is not appropriate. It is open to the petitioner to challenge the notification issued under Section 15 (i) if he is really aggrieved by the acquisition proceedings.

8. Since the petitioner's name was not in the Revenue records, the petitioner's name did not appear in the notification issued. The petitioner cannot avoid the legal implications of acquisition individually by approaching this Court with prayers as in the present writ petition. This Writ Petition has no merit and accordingly, the same is dismissed. No costs. However, liberty is given to the petitioner either to challenge the notification issued under Section 15(1) of the Tamil Nadu Highways Act, 2001 or seek a reference for enhancement or apportionment of compensation if the petitioner is aggrieved.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

msm
To

1.The Special District Revenue Officer (L.A),
Tamil Nadu Highway Development Project,
Guindy, Chennai - 32.



2.The Special District Revenue Officer (L.A),
Office of the Land Acquisition,
Chennai - Kanyakumari Industrial Scheme,
Kancheepuram, Kancheepuram District.

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3.The Special Tahsildar (L.A),
CKICP, Arakkonam,
Ranipet District.

+lcc to Mr.S.Arokia Maniraj, Advocate Sr.19822
+lcc to the Government Pleader Sr.20149

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