



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.30380 TO 30384 OF 2015 & M.P.NOS.1 TO 1,
2 TO 2 & 3 TO 3 OF 2015

&

W.M.P.NOS.6130 TO 6134, 37976, 35428 TO 35431 OF 2017

W.P.NO.30933 OF 2015 & M.P.NOS.1 TO 3 OF 2015
& W.M.P.NOS.24075 OF 2016

W.P.NOS.35223 & 35224 OF 2015 & M.P.NOS.1 & 1,
2 & 2 AND 3 & 3 OF 2015

W.M.P.NOS.30141 & 30142 OF 2016

W.P.NOS.35344 TO 35351 OF 2015 & M.P.NOS.1 TO 1,
2 TO 2 & 3 TO 3 OF 2015

&

W.M.P.NOS.24509 TO 24516 OF 2016

W.P.NOS.33477 TO 33483 OF 2015 & M.P.NOS.1 TO 1,
2 TO 2 & 3 TO 3 OF 2015

&

W.M.P.NOS.8851 TO 8857, 25694 TO 25699 OF 2016
& W.M.P.NO.37916 OF 2017

W.P.NO.793 OF 2016 & W.M.P.NOS.607 TO 609 & 24074 OF 2016

1 K.MOORTHY ... PETITIONER in W.P.No.30380 of 2015

1 A.MANI,
S/O.APPUSAMY GOUNDER,
2, POOCHAKKADU 3RD STREET,
MANGALAM ROAD, KARUVAMBALAYAM,
TIRUPPUR - 641 604.

... PETITIONER in W.P.No.30381 of 2015

1 K.R.PALANISAMY,
S/O.RAMASAMY GOUNDER,
2/21 2(1) 21A,
KARUVAMBALAYAM EXTENSION 1ST STREET,
MANGALAM ROAD, TIRUPPUR - 641 604.

... PETITIONER in W.P.No.30382 of 2015



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1 K.AMAR SINGH
246/283, SRI RAM TOWER,
MANGALAM ROAD, TIRUPPUR - 4.

... PETITIONER in W.P.No.30383 of 2015

1 MRS.K.KANNAMMAL
W/O.B.KARUPPAIYAN,
273C, MANGALAM ROAD,
TIRUPPUR - 641 604.

... PETITIONER in W.P.No.30384 of 2015

1 PERIYASAMY GOUNDER
2 PALANISAMY GOUNDER

3 BAKKIYAM
2-51, POOCHAKKADU STREET,
2 MANGALAM ROAD, TIRUPPUR.

... PETITIONERS in W.P.No.30933 of 2015

1 K.ARUMUGAM
S/O.KANDASAMY GOUNDER,
6/73, MUTHUSAMY MAIN STREET,
K.N.P. PURAM, TIRUPUR - 4.

... PETITIONER in W.P.No.35223 of 2015

1 MRS.R.RAMATHAL
W/O. K.RAMASAMY,
390, MANGALAM ROAD,
KARUVAMBALAYAM,
TIRUPUR - 4.

... PETITIONER in W.P.No.35224 of 2015

1 R.SUNDARAM,
S/O.RAMASAMY,
110(1), MANAGALAM ROAD,
TIRUPPUR.

... PETITIONER in W.P.No.35344 of 2015

1 MRS.D.SUBBULAKSHMI
W/O.DEVARAJ,
2/868, BHARATHIYAR STREET,
SR NAGAR SOUTH, TIRUPPUR.

... PETITIONER in W.P.No.35345 of 2015



1 M.RANGASAMY,
S/O.MURUGASAMY,
74(1), MANGALAM ROAD,
TIRUPUR - 4.

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... PETITIONER in W.P.No.35346 of 2015

1 R.S.PRAVEEN
S/O.R.SANTHANAKRISHNAN,
DOOR NO.11, JAGANNATHAN LAYOUT,
KARUVAMBALAYAM, TIRUPPUR.

... PETITIONER in W.P.No.35347 of 2015

1 R.RAKKIYANASAMY
S/O.RASU UDAYAR,
8/7, AIYYAN NAGAR MAIN STREET,
MANAGALAM ROAD, TIRUPPUR.

... PETITIONER in W.P.No.35348 of 2015

1 S.MUTHUSAMY
S/O.CHINNASAMY GOUNDER,
DOOR NO.7, SENGUNTHAPURAM VEEDHI,
TIRUPPUR.

... PETITIONER in W.P.No.35349 of 2015

1 S.KESAVAN
S/O.V.SUBRAMANIAM,
62A, MANGALAM ROAD,
TIRUPPUR.

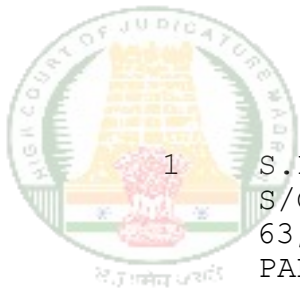
... PETITIONER in W.P.No.35350 of 2015

1 MRS.VASANTHAMANI
W/O.SUBRAMANIAM,
42, PILLAYAR KOVIL VEETHI,
ANUPPARPALAYAM PUDUR,
TIRUPPUR.

... PETITIONER in W.P.No.35351 of 2015

1 M.PRAKASH,
S/O.MARAPPAN,
SHOP NO.242, NEW UDAYAM MENS PARLOUR,
KARUVAMPALAYAM MANGALAM ROAD,
TIRUPPUR - 4.

... PETITIONER in W.P.No.33477 of 2015



1 S.DHANAPAL,
S/O.N.SUBRAMANIAM,
63, MANGALAM ROAD,
PARAPALAYAM, TIRUPPUR - 4.

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... PETITIONER in W.P.No.33478 of 2015

1 MRS.K.LEELAVATHY,
W/O.KUPPUSAMY,
244, MANGALAM ROAD,
KARUVAMPALAYAM,
TIRUPPUR - 4.

... PETITIONER in W.P.No.33479 of 2015

1 MRS.R.ANNAPOORANI,
W/O.RANGASAMY,
220, LAXMI VENKATESWARA NAGAR,
KARUMATHAMPATTI,
TIRUPPUR - 4.

... PETITIONER in W.P.No.33480 of 2015

1 K.T.N.SHANMUGAM,
S/O.NARAYANA GOUNDER,
MANGALAM ROAD, KARUVAMPALAYAM,
TIRUPPUR - 4.

... PETITIONER in W.P.No.33481 of 2015

1 D.MAHALINGAM,
S/O.M.DHANDAPANI,
266, MANGALAM ROAD,
KARUVAMPALAYAM,
TIRUPPUR - 4.

... PETITIONER in W.P.No.33482 of 2015

1 M.DHANDAPANI,
S/O.S.MURUGAPPA MUDALIAR,
256, MANGALAM ROAD,
TIRUPPUR - 4.

... PETITIONER in W.P.No.33483 of 2015

1 G.SELVARAJ,
NO.267, MANGALAM ROAD,
TIRUPUR TALUK,
TIRUPUR.

... PETITIONER in W.P.No.793 of 2016



-Vs-

WEB COPY

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENT in W.P.No.30380 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.30381 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.30382 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.30383 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.30384 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.30933 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.35223 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.35224 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.35344 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.35345 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.35346 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.35347 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.35348 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENT in W.P.No.35349 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.35350 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.35351 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.33477 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.33478 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.33479 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.33480 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.33481 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.33482 of 2015



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- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD, TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.33483 of 2015

- 1 THE STATE OF TAMILNADU,
REP. BY ITS SECRETARY,
HIGHWAYS DEPARTMENT,
FORT ST. GEORGE,
CHENNAI - 9.
- 2 THE COLLECTOR,
DISTRICT COLLECTORATE,
TIRUPPUR DISTRICT,
TIRUPPUR.
- 3 THE DISTRICT REVENUE OFFICER,
PALLADAM ROAD,
TIRUPPUR.
- 4 THE TAHSILDAR,
TIRUPPUR (SOUTH),
TIRUPPUR.
- 5 THE DIVISIONAL ENGINEER,
STATE HIGHWAYS DEPARTMENT,
TIRUPPUR.

... RESPONDENTS in W.P.No.793 of 2016



COMMON PRAYER:-

These Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus;

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W.P.NO.30380 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2 dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioners property comprised in town Survey No.17/1, Tiruppur Town, Tiruppur South Taluk admeasuring 73.8 sq.mts.

W.P.NO.30381 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioners property comprised in town Survey No.97/1 (82.2 Sq.Mts), 126/1 (67.1 Sq.mts) and 128/1 (25.06 Sq.mts), Tiruppur Town, Tiruppur South Taluk

W.P.NO.30382 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2 dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioners property comprised in town Survey No.20/1, Tiruppur Town, Tiruppur South Taluk admeasuring 154.6 sq.mts.



W.P.NO.30383 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioners property comprised in Town Survey No.3/1 and T.S.No.4/1, Tiruppur Town, Tiruppur South Taluk admeasuring 63.5 sq.mts.

W.P.NO.30384 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioners property comprised in Town Survey No.8/1, Tiruppur Town, Tiruppur South Taluk admeasuring 33.6 sq.mts.

W.P.NO.30933 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioners property comprised in Town Survey No.135/1, Tiruppur Town, Tiruppur South Taluk admeasuring 56 sq.mts.

W.P.NO.35223 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and



consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey 36/1 and 37/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 69.6 and 58.2 Sq.mts. respectively.

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W.P.NO.35224 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey 96/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 68.3 Sq.mts.

W.P.NO.35344 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey No.156/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 22.1 Sq.mts.

W.P.NO.35345 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in NA.KA.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey No.97/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 22.1 Sq.mts.

W.P.NO.35346 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2 dated 29.08.2011 and the



consequential proceedings in Na.Ka.No.27192/2010/U1 dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey No.2/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 96.8 Sq.mts.

W.P.NO.35347 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey No.19/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 36.2 Sq.mts.

W.P.NO.35348 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey No.156/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 22.1 Sq.mts.

W.P.NO.35349 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey No.156/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 221.9 Sq.mts.



W.P.NO.35350 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey No.7/1A, Tiruppur Town, Tiruppur South Taluk, admeasuring 21 Sq.mts.

W.P.NO.35351 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey No.42/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 144.2 Sq.mts.

W.P.NO.33477 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/ 2010/U2 dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/ 2010/U1 dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra vires the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey 1, Tiruppur Town, Tiruppur South Taluk totally admeasuring 0.022.9 sq.mts (about 210 sq.ft)

W.P.NO.33478 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra vires the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town



Survey 8/1, Tiruppur Town, Tiruppur South Taluk totally admeasuring 0.055.6 sq.mts (about 210 sq.ft).

W.P.NO.33479 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra vires the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey 2/1 and 2/3, Tiruppur Town, Tiruppur South Taluk totally admeasuring 72.6 and 47.9 sq.mts respectively.

W.P.NO.33480 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra vires the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey 95/1 and 96/1, Tiruppur Town, Tiruppur South Taluk totally admeasuring 12.2 and 18.4 sq.mts respectively.

W.P.NO.33481 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra vires the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioners property comprised in Town Survey 4/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 173.3 sq.mts.

W.P.NO.33482 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated



14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra vires the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioners property comprised in Town Survey 16/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 68.4 sq.mts respectively.

W.P.NO.33483 OF 2015:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra vires the provisions of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioners property comprised in Town Survey 13/1, Tiruppur Town, Tiruppur South Taluk, admeasuring 66.7 sq.mts.

W.P.NO.793 OF 2016:-

Calling for the records of the 3rd respondent comprised in orders in Na.Ka.No.27192/2010/U2, dated 29.08.2011 and the consequential proceedings in Na.Ka.No.27192/2010/U1, dated 14.08.2015 and quash the same as arbitrary, illegal, unconstitutional, ultra virus the provisions of the Tamilnadu Highways Act, 2001 and Tamilnadu Highways Rules, 2003 and consequently forbear the respondents from in any manner proceeding as against the petitioner property comprised in Town Survey No.14/1 admeasuring 72.4 Sq.Mts. at Tiruppur Town, Tiruppur Taluk.

For Petitioner : Mr.S.Ramesh
in all WPs.

For Respondents : Mr.Richardson Wilson
Government Advocate
in W.P.Nos.30380 to 30384 of 2015,
35344 to 35351 of 2015,
33477 to 33483 of 2015.

Mr.M.R.Gokul Krishnan
Government Advocate
in W.P.Nos.30933, 35223,
35224 of 2015, 793 of 2016.



COMMON ORDER

All the Writ Petitions have been filed challenging the acquisition proceedings initiated by the respondents under the provisions of the Tamil Nadu Highways Act, 2001 (herein after called as "the Act"), and the Tamilnadu Highways Rules, 2003 (herein after called as "the Rules") thereon forbear the respondents from any manner interfering with the possession and occupation of the land belonging to the petitioners, on various grounds.

2. The petitioners in all the Writ Petitions owned their respective lands at Tiruppur District. The Divisional Engineer (Highways), Tiruppur had sent a request for acquisition of land in Ward L, Block 2,3 and Ward M, Block, 7,17,21,24,25 in Tiruppur District in G.O.(D)No.122, Highways and Minor Ports (HN1) Department, dated 02.08.2010 towards administrative sanction for widening of highways road from Tiruppur to Somanur Road. Accordingly, inspection of lands to be acquired, the Revenue Divisional Officer, Tiruppur, sent his proposal of acquisition of 0.4582.3 sq.mt., of land by his proceedings dated 26.08.2011. On receipt of the proposal, the notification under Section 15(2) of the Act published in the local dailies on 17.09.2011. The substance of the land plan schedule was also published in the locality on 05.09.2011.

3. The notices under Sections 15(2) of the Act were issued to the petitioners requesting to show cause why their lands, for widening of Tiruppur-Somanur Road, should not be acquired and the objections for this case should be submitted to the Land Acquisition Officer within a period of 30 days from the date of receipt of that notice. All the petitioners received notice under Section 15(2) of the Act and had submitted their objections on the noticed issued under Section 15(2) of the Act. One of the main contention in the objections is that, there are several Government Poramboke lands, temple lands situated on the northern side, which will be easy to acquire for the State government to expand the road. Further the acquisition proposal is vitiated by partiality and the residents on the one side of the road were deprived of their entire properties and this has been done with certain vested interests. Thereafter, no proceedings have been initiated and all of sudden, the petitioners received notice dated 14.08.2015 as contemplated under Section 19(2) of the Act, called upon the petitioners for negotiating compensation. Therefore, the petitioners filed these Writ Petitions challenging the said acquisition proceedings.



4. The learned counsel appearing for the petitioners raised the following grounds:-

The power to acquire the property for the purpose of highways is contained under Chapter IV of the Act. Under Section 15(1) of the Act, if the government is satisfied that any land is required for the purpose of highways, they will have to publish in the government gazette a notice specifying the description of such land and the particular purpose for which the land is required. Under Section 15(2) of the Act, before publishing notice under sub Section (1), the government will have to show cause to the owner calling upon the owner as to why the land should not be acquired. Therefore, the government after considering the objection will have to pass an order under Section 15(3) of the Act and proceed to issue notification under Section 15(1) of the Act.

4.1. He further submitted that the notice under Section 15 (2) of the Act was published on 29.08.2011 and it mandates that the public notice will have to be a show cause notice calling upon the general public to offer their objections with regard to the acquisition of land. Whereas, the notice issued under Section 15(2) of the Act is not of show cause notice. Section 15 (2) of the Act contemplates two notices, in which one is a personal notice to the owners or the persons interested and the other one is public notice. Therefore, without issuance of public notice and the notice issued to the persons interested, is bad in law and does not meet the requirements as set out under the Act.

4.2. The learned counsel appearing for the petitioner raised another ground that on receipt of the notice under Section 15(2) of the Act, the petitioners were submitted their objections. The sub Clause (2) of Rule 5 of the Rules, contemplates that, once objections received with regard to the acquisition, the District Revenue Officer will have to fix a date for hearing the objectors and give notice to the objectors as well as the requisition body. The requisition body may file a reply and depute their representative to attend the enquiry. The Rule 5(3) of the Rules contemplates that on the date fixed for enquiry, the objectors as well as the requisition body will have to be heard. Under Rule 5(4) of the Rules, the details of the enquiry will have to be submitted to the government to pass orders under Section 15(3) of the Act. Under Rule 5(5) of the Rules, the government will have to pass orders based on the enquiry report.



4.3. In the present case, the petitioners were not informed of any statement made by the requisition body with regard to their objections. Thereafter no enquiry was conducted as contemplated under the Rules and no orders were passed on the enquiry. The reply or the statement submitted by the requisition body were not served on the petitioners. Therefore, the respondents failed to follow any of the procedures as contemplated under the Rules. Any further proceedings concluded without passed order under Section 15(3) of the Act is nullity and void abinito. The sine quo non for the first respondent as well as the third respondent to issue notification under Section 15(1) of the Act without passing orders under Section 15(3) of the Act. No order has been passed under Section 15(3) of the Act, before issuance of the notice under Section 19(2) of the Act.

4.4. The petitioners were not received notice under Section 15(1) of the Act and they have not received any notice for surrendering possession as contemplated under Section 16 of the Act. Any acquisition under the Act, prior to the acquisition of the property under Chapter IV, there are requirements mandated, prior to acquisition is set out under Chapter III of the Act. Under Section 8 of the Act, the authority will have to fix the highway boundary building line or control line in case of any proposed expansion. Prior to that, they have to issue a draft notification under Section 8(1) of the Act calling for objections.

4.5. The learned counsel appearing for the petitioners further submitted that under Section 8(3) of the Act, after receiving the objections, the Highways Authority with the approval of the State Highways Authority, have to publish a final notification fixing highway boundary line or control line. Without following the due procedure laid down under the Act, unilaterally a notice under Section 15(2) of the Act has been issued. The provision of Chapter III of the Act, more particularly the requirements as mandated under Section 15(1) of the Act, cannot be read in isolation and has to be read in conjunction with Chapter III of the Act. To support of his contention, the learned counsel appearing for the petitioner relied upon the following reported judgments :-

(i) 1976 (2) SCC 895 - State of Mysore and ors Vs. V.K.Kangan and Ors

(ii) 1987 WLR 182 - Kadirvel Mudaliar Vs. State of Tamilnadu and ors



(iii) 2001 (3) CTC 158 - Mariappan and 11 ors Vs. State of Tamilnadu and ors

(iv) 2004 (8) SCC 14 - Union of India and ors Vs. Mukesh Hands

(v) 2012 (6) SCC 384 - Bipromasz Bipron Trading Vs. Bharat Electronics Ltd.,

(vi) 2014 (4) MLJ 685 - Jayaraman & ors Vs. State of Tamilnadu & ors

(vii) 2014 SCC Online Mad 8619 - R.Moorthy & ors Vs. State of Tamilnadu & ors.

5. Per contra, the respondents filed counter and stated that the Divisional Engineer, Tiruppur viz., the fifth respondent herein had sent Land Plan Schedule for acquisition of land in Tiruppur Town in Ward L, Block 2,3 and Ward M, Block 7,17,21,24,25 along with Government Order issued in G.O.(D). No.122, Highways and Minor Ports (HN1) Department, dated 02.08.2010. On the request made by the fifth respondent, the Revenue Divisional Officer, Tiruppur, inspected the land and sent his proposal for acquisition. On receipt of the said proposal, the notification issued under Section 15(2) of the Act was published. The notices were duly served to the petitioners and call upon them to file their objections if any within a period of 30 days and they were directed to appear for enquiry on 15.11.2011. On receipt of the objections, the same had been forwarded to the fifth respondent for their remarks. The fifth respondent offered his remarks dated 01.12.2011 and had emphasized that the importance of widening the Tiruppur-Somanur road which has narrow turnings which in turn create constrains for the free movement of vehicles plying on that road and requested that the action to be taken for the acquisition of lands as per the Land Plan Schedule.

5.1. Afterwards, proposal under Section 15(1) of the Act was sent to the first respondent by the communication dated 22.12.2011. Thereafter notification under Section 15(2) of the Act was issued to the petitioners and thereafter notice under Section 19(2) of the Act was issued to the petitioners. All the petitioners were duly served and thereafter, they challenged the notifications issued under Sections 15(2) and 19 (2) of the Act, in these Writ Petitions. Section 16 (1) of the Act deals with, the particular land vest absolutely in the government free from all encumbrances whenever a notice under Section 15(1) of the Act is published and Section 16(2) of the Act deals with any land is vested to the government under



Section 16(1) of the Act, the government may by order, direct the person who may be in possession of the land to surrender or deliver possession thereof to the Collector or any person duly authorized by him in this behalf within 30 days from the date of the service of the order. After issuance of notification under Section 15(1) of the Act, dated 31.07.2015, the subject land is vested with the government and the third respondent desires to take the land from the concerned land owners after fulfilling the due procedures and passing of interim award. Therefore, the question of issuance of notice under Section 16 of the Act does not arise. To support of his contention, he relied upon the following judgments :-

(i) Order of this Court dated 21.02.2014 in W.P.No.1109 of 2014 - Jayaraman & ors Vs. State of Tamilnadu and ors

(ii) 2018 SCC Online Mad 13579 - B.Nambirajan & ors Vs. District Collector & ors.

(iii) 2019 (4) CTC 701 - K.Selvaraj & ors Vs. The State Government of Tamil Nadu & ors.

(iv) Order of this Court dated 19.08.2021 in W.P.No.33868 of 2013 batch cases - Dr.D.Anand & ors Vs. The Secretary to the Government & ors.

6. Heard Mr.S.Ramesh, learned counsel appearing for the petitioner and Mr.Richardson Wilson, learned Government Advocate appearing for the respondents in all the Writ Petitions.

7. The petitioners in all the Writ Petitions have challenged the proceedings under Section 15(2) of the Act dated 29.08.2011 and the consequential proceedings under Section 19(2) of the Act dated 14.08.2015. The Divisional Engineer (Highways) Tiruppur viz., the fifth respondent herein had sent a Land Plan Schedule for the acquisition of land in Tiruppur Town at Ward L, Block 2,3 and Ward M, Block 7,17,21,24,25 along with the Government Order in G.O.(D).No.122, Highways and Minor Ports (HN1) Department, dated 02.08.2010 towards administrative sanction for widening of Highways Road at Tiruppur-Somanur. For the acquisition of the subject lands, the Revenue Divisional Officer, Tiruppur had been requested to sent the land acquisition proposal on the land plan schedule of the fifth respondent. The Revenue Divisional Officer, Tiruppur made inspection on the lands to be acquired and sent his proposal for the acquisition of 0.4582.3 sq.mt., of land in his proceedings dated 26.08.2011.



8. On receipt of the proposal, the notification under Section 15(2) of the Act was published on 29.08.2011 and the same was also published in the locality. Accordingly, all the petitioners were served notice under Section 15(2) of the Act dated 29.08.2011 & 18.09.2011 through Village Administrative Officer. They were called upon to raise objection if any. Some of the petitioner were raised their objections within stipulated period viz., 30 days. On receipt of the objections, the same were forwarded to the fifth respondent to offer their remarks. The fifth respondent offered their remarks in reference in Na.Ka.No.1399/2010/A1 dated 01.12.2011. The said remarks emphasized the importance of widening at Tirupur Somanur Road and requested that the acquisition to be taken as per plan schedule. Afterwards proposal under Section 5(1) of the Act was sent to the first respondent by communication dated 22.12.2011. Thereafter, the first respondent issued notification under Section 5(1) of the Act on 05.09.2012.

9. The following tabular column shows with regard to the procedure following by the respondents and on receipt of the notice by the petitioners:-

TIRUPUR SOMANUR ROAD KM. 00 - 20 (SH 169)								
Sr No	WHILE PETITION'S SERVICE NO, EXTENT & VILLAGE DIVISION	DATE OF SERVICE NOTICE & PUBLICITY	OBJECTIONS FILED BY PETITIONER (WITHIN TIME PRESCRIBED) OR NOT	DATE OF ENQUIRY NOTICE TO THE PETITIONER	DATE OF ENQUIRY & WHETHER PETITIONER ATTENDED	STATEMENT RENDERED FROM THE PETITIONER	DATE OF SECTION 15(1) PROPOSAL & ORDER PASSED BY GOVT	SECTION 15(1) NOTIFICATION
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	30180 / 2015 Mr K. Mani / 11/26/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAO (Vol-III) P673	Not filed	27.10.2011 & 10.11.2011 (Vol-III) P917-921	15.11.11 Petitioner attended the enquiry (Vol-II) P1011	Yes	Proposal sent on 22.12.2011 (Vol-III) P1065 Order passed on 31.07.12 (Go.No.157) (Vol-III) P104475	05.09.2012 (Vol-VIII) P3645
2	30381 / 2015 Mr A. Mani / 11/26/1 & 128/ Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAO (Vol-II) P695	11.10.11 (within time prescribed) (Vol-II) P811	-	22.11.11 Petitioner attended the enquiry Vol II P 941	Yes	-	05.09.2012
3	30382 / 2015 Mr K.R. Palanisamy / 11/26/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAO (Vol-III) P652	27.09.11 (within time prescribed) (Vol-II) P803	-	15.11.11 Petitioner attended the enquiry Vol II P 999	Yes	-	05.09.2012



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4	30383 / 2015 Mr.K.Amarsingh M17/3/ & 4/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 (2) Notice served through V.A.O. (Vol-II) P663,752	15.10.11 (within time prescribed) (Vol-II) P839,844	..	15.11.11 Petitioner attended the enquiry (Vol-II) P9369	Yes	..	05.09.2012
5	30384 / 2015 Mrs.K.Kannammal M17/8/1 Tirupur Town, Tirupur South Taluk	Notice affixed on Door by V.A.O. (Vol-II) P741	18.10.11 (within time prescribed) (Vol-II) P839	..	15.11.11 Petitioner attended the enquiry (Vol-II) P1007	Yes	..	05.09.2012
6	33472 / 2015 Mr.M.Erakash M17/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through V.A.O. (Vol-II) P661	10.10.11 (within time prescribed) (Vol-II) P815,823	..	15.11.11 Petitioner attended the enquiry (Vol-II) P1003	Yes	..	05.09.2012
7	33478 / 2015 Mr.S.Dhanapal L2/8/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through V.A.O. (Vol-II) P711	Not filed	..	..	..	..	05.09.2012

8	33479 / 2015 Tmt.K.Lakshmi M17/2/ & 3/3 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through V.A.O. (Vol-II) P659	Not filed	..	15.11.11 Petitioner attended the enquiry (Vol-II) P1003	Yes	..	05.09.2012
9	33490 / 2015 Tmt.K.Annapoorani L2/9/1 & 9/1 Tirupur Town, Tirupur South Taluk	Notice affixed on Front wall (Vol-II) P 753	Not filed	..	..	..	..	05.09.2012
10	33491 / 2015 Mr.K.T.N.Shanmugam M21/4/1 Tirupur Town, Tirupur South Taluk	Notice affixed on Door by V.A.O. (Vol-II) P 739	15.11.11 (Vol-II) P962	..	15.11.11 Petitioner attended the enquiry (Vol-II) P975	Yes	..	05.09.2012
11	33492 / 2015 Mr.D.Mahalingam M17/16/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through V.A.O. (Vol-II) P 753	04.11.11 (not within time prescribed) (Vol-II) P 887	..	..	..	..	05.09.2012



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12	35483 / 2015 Mr.M.Dhandapani M17/15/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAO (Vol-II) P.671	04.11.11 (Vol-II) P.885	-	15.11.11 Petitioner attended the enquiry (Vol-II) P.987	Yes	-	05.09.2012
13	35223 / 2015 Mr.K.Arumugam M17/26/1 Tirupur Town, Tirupur South Taluk	15/21 Notice affixed on front wall (Vol-II) P.753	Not filed	-	-	-	-	05.09.2012
14	35224 / 2015 Mr.B.Ramabha L3/95/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAO (Vol-II) P.697	18.10.11 (within time prescribed) (Vol-II) P.853	-	15.11.11 Petitioner attended the enquiry (Vol-II) P.927	Yes	-	05.09.2012
15	35093 / 2015 Mr.R.Pariyasaayagom do, L7/115/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAO (Vol-II) P.703	18.10.11 (within time prescribed) (Vol-II) P.865	-	15.11.11 Petitioner attended the enquiry (Vol-II) P.933	Yes	-	05.09.2012

16	35344 / 2015 Mr.R.Sundaram, L3/134/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAO (Vol-II) P.701	24.10.11 (not within time prescribed) (Vol-II) P.873, 875	-	-	-	-	05.09.2012
17	35345 / 2015 Tul.D.Subbalakshmi L2/9/2 Tirupur Town, Tirupur South Taluk	Notice affixed on municipal wall (Vol-II) P.725	Not filed	-	-	-	-	05.09.2012
18	35346 / 2015 Mr.M.Rangasamy L3/2/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAO	Not filed	-	-	-	-	05.09.2012
19	35347 / 2015 Mr.R.S.Paveen M.25/19/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAO (Vol-II) P.691	Not filed	-	-	-	-	05.09.2012



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20	353487/2015 Mr. R. Rakkiamasamy, L3/155/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAG (Vol-II) P.795	Not filed	-	15.11.11 Petitioner attended the enquiry (Vol-II) P.545	Yes	..	05.09.2012
21	353497/2015 Mr.S.Mathuramy, L3/155/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAG (Vol-II) P.798	Not filed	..	12.11.11 Petitioner attended the enquiry (Vol-II) P.545	Yes	..	05.09.2012
22	353507/2015 Mr.S.Kesavam, L2/7/14 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAG (Vol-II) P.642	Not filed	..	-	-	..	05.09.2012
23	353517/2015 Tmt.Vasanthamani M1/42/1 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAG (Vol-II) P.672	Not filed	..	-	-	..	05.09.2012

24	3937/2015 Mr.G.Sekaraj M1/7/14 Tirupur Town, Tirupur South Taluk	29.08.11 & 18.09.11 Notice served through VAG (Vol-II) P.733	Not filed	4.11.2011 (not within time prescribed) (Vol-II) P.883	-	-	..	05.09.2012
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To that extent, the respondents also produced the files. This Court verified the files and it revealed that all the petitioners were duly served with notices and the some of the petitioners were appeared before the enquiry and raised their objections. Thereafter, the notification under Section 5(1) of the Act was issued on 05.09.2012.

10. The primary ground raised by the petitioners is that the requirements mandated under the Act, prior to the acquisition of the property, under Chapter IV. The basic procedure that has to be followed under the Act, prior to acquisition of land, is set out under Chapter III of the Act.



According to under Section 8 of the Act, the fifth respondent will have to first fix the highway boundary building line or control line in case of any proposed expansion. Prior to that, they have to issue a draft notification under Section 8(1) of the Act calling for objections. Under Section 8(3) of the Act, after receiving the objections, the fifth respondent with the approval of the State Highways Authority published a final notification fixing highway boundary building line or control line. In the case on hand, at no point of time such an exercise was carried out by the respondents herein viz., fixing boundary building line with regard to the proposed acquisition of the land for the expansion of Tirupur - Somanur road. Therefore, the entire proceedings from the inception are void abinito. Without following the due procedure laid down under Chapter III of the Act, unilaterally the notification under Section 15(2) of the Act has been issued. In this regard, the learned counsel appearing for the petitioners relied upon the judgment reported in 2014 SCC Online Mad 8619 in the case of R.Moorthy & ors Vs. State of Tamilnadu & ors., which reads as follows :-

"158. From the above discussions, it is clear that the state Act is repugnant to the provisions of the Central Act. The mandatory procedures contemplated under the State Act have also been not followed. The road must first be declared as a highway, then the markings have to be made and a notification has to be published as contemplated under section 8. Then upon receipt of the objections, the Highways authority has to conduct and enquiry and decide on the extent and alignment. Only thereafter a notification under section 15 (2) can be published calling for objections. Only after an order is passed under section 15 (3), the notification under section 15 (1) can be effected....."

11. The provision under Section 8 of the Act, would come into play only after the land acquisition proceedings were completed and the procedure under Section 8(1) of the Act is not a condition precedent for initiating proceedings under Section 15 of the Act. The entire procedure contemplated under the Act have been scrupulously followed and the objections of the petitioners were also duly considered and there is no violation of any procedures as contended by the petitioner. In this regard, it is relevant to relay upon the order dated 20.02.2019 in W.P.No.3468 of 2014 batch, in the case of K.Selvaraj & anr Vs. The State of Tamil Nadu & ors, in which this Court held as follows :-



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"8. The said issue is no more res integra and it has been consistently held by this court that Section 8 of the Act, which falls under Chapter III of the Act, dealing with restriction of ribbon development and it has nothing to do with the acquisition of land, which falls under Chapter IV of the Act, it is an independent one, which deals with acquisition of property and also for payment of compensation. The compliance of Section 8 of the Act is not a sine qua non for initiating land acquisition proceedings. In R.Kumar v. State of Tamil Nadu, reported in CDJ 2006 MHC 2003 : LNIND 2006 MAD 1743 (W.P.Nos.18050 & 18051 of 2005 dated 09.08.2006) a learned single Judge of this court had taken such a view. The relevant portion of the above said judgement reads as follows:-

"Chapter IV relates to acquisition of property which contains Sections 15 to 25. Under the said chapter, if the Government are satisfied that any land is required for the purpose of any highway or for construction of bridges, culverts, causeways or other structures thereon or for any purpose incidental or ancillary thereto, in furtherance of the objects of this Act, they may acquire such land by publishing in the Tamil Nadu Government Gazzette after entertaining objections from the owners or the interested persons of the land and the land so acquired shall vest with the Government free from all encumbrance. Any land acquired in this Act, the Government may use or cause to be used such land for the purpose of this Act. Every owner or person interested in any land required under this Act shall be entitled to receive and be paid an amount. If any person is aggrieved by the decision of the Collector in determining the amount may within 60 days from the date of such decision seek for reference to civil Court as defined in the Land Acquisition Act, 1894. The said Chapter also deals with apportionment of the amount, payment of amount, investment of amount by depositing in Court, payment of interest and power of entry. Thus, the chapter IV is an independent one for acquisition of property and also for payment of compensation amount to the land owners and therefore the contentions of the petitioners that notification under Section 8 is sine qua non for initiating



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acquisition proceedings is untenable, hence the said ground is rejected."

9. When the above said judgement was taken up on appeal, a Division Bench of this Court in R.Kumar v. State of Tamil Nadu, 2006 (4) CTC 640 while affirming the view taken by the learned single Judge has held in para 22 as follows:-

"22. The Further argument that the authority under TNTCP Act will have to decide the road boundaries and also the road width does not merit any acceptance. We hold that the present road in question, viz., OMR Road presently called as IT Corridor, completely comes within the jurisdiction of the authorities under the Tamil Nadu Highways Act and any development of the said road including the fixation of the boundary and the width of the road have to be decided by the authorities under this Act. In this context, we may refer to Section 8(4)(a) of the Highways Act, which reads as follows:

(4). Notwithstanding anything contained in sub-sections (1), (2) and (3), the Government may, in consultation with the State Highways Authority, having regard to the situation or the requirements of any highway or the condition of the area through which such highway passes-

(a) fix different building line and control line for such highway"

Hence, we hold that once it is a Highway, Highways authorities can fix different building line and control line for such highway."

10. In Jayaraman v. State of Tamil Nadu, (2014) 4 MLJ 685, another learned single judge of this court had taken the similar view.

11. Relying upon the judgement of the Division Bench in R.Kumar's case cited supra, yet another learned single Judge of this Court in M/s.Ceedeeyes Standard Towers Private Limited v. The District Collector of Chennai and others, W.P.No.26794 of 2004 dated 14.09.2016 has held that notification issued under Section 8 of the Act is not sine qua non for initiating proceedings under Section 15 of the Act and at



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para 13 of the judgement, this court has held as follows:-

13. Further, the learned Additional Advocate General sought to impress upon the Court with the above factual submissions and submitted that the impugned proceedings is only a show cause notice and the petitioner can raise all the objections by submitting a reply. Further, it is submitted that the 1st respondent is not required to comply with the procedure under Section 8 of the Act before proceeding under Section 15[2] of the Act and the stand taken by the writ petitioner in this regard is unsustainable and the respondents are supported by the decision of the Hon' ble Division Bench of this Court in the case of R.Kumar and Others Vs State of Tamil Nadu [2007] 2 MLJ 384 and the decision in Jayaraman and Other Vs State of Tamil Nadu [2014] 4 MLJ 685. It is submitted that in Jayaraman' s case, the Court has taken great pains to examine the entire scheme of the Act and also thoroughly explained the ratio laid down by the Hon' ble Division Bench in R.Kumar' s case and has held that notification under Section 8 of the Act is not a sine qua non for initiating acquisition proceedings under Section 15 of the Act. It is submitted that in R.Moorthy' s case, this Court has not distinguished the decision in R.Kumar' s case and Jayaraman' s case and therefore, the law which has been laid down in R.Kumar' s case and Jayaraman' s case will hold the field, since the decision in Jayaraman' s case was rendered following the decision of the Hon' ble Division Bench and by applying the same, the contentions raised in the Writ Petition are liable to be outrightly rejected.

12. It is pertinent to note that the judgment in R.Moorthy v. State of Tamil Nadu, 2014 (2) CWC 763, which was relied upon by the learned counsel for the petitioners herein, was considered in M/s.Ceedeeyes Standard Towers Pvt Ltd' s case, cited supra, wherein, the learned Judge while distinguishing R.Moorthy' s case, cited supra, has held as follows:-

21. On a reading of the above, it is evidently clear that the Court did not distinguish the decision in Jayaraman. But the



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observation is that the decision cannot be applied to the facts of the case relating to R.Moorthy. The reason that can be culled out from reading of the above mentioned paragraphs and other relevant paragraphs of the order is that the Court was of the firm opinion that the minimum extent of land alone has to be acquired, viewed from the point of view of the land owner as well as the requisitioning body. This appears to have weighed in the minds of the Court as there are observations in paragraph No.151 to the effect that it is always favourable, if minimum extent is required. Thus, the decision in R.Moorthy cannot be taken as a decision which has distinguished Jayaraman. It is to be noted that Jayarman was rendered by referring to and relying upon a Hon'ble Division Bench Judgment in R.Kumar. Therefore, cogent reasoning was required to distinguish the decision of the Hon'ble Division Bench as well as in Jayaraman.-

Thus, the contention of the learned senior counsel for the petitioner does not hold good."

12. In this regard, the learned Government Advocate appearing for the respondents relied upon the judgment reported in 2018 SCC Online Mad 13579 in the case of B.Nambirajan and ors Vs. District Collector and ors., in which the Division Bench of this Court held as follows :-

"12. As mentioned earlier, the contention of the petitioners that since there is no declaration under Section 2(1) of the Act, for declaring the newly aligned road, as a National Highway, the provisions of the Act would not apply, is an incorrect submission. Such an argument was considered in a case arising under the Tamil Nadu Highways Act, a State enactment [refer decision in W.P.No.1109 of 2014, dated 21.02.2014(Jayaraman & Ors., vs. State of Tamilnadu & Ors.,)]. The submission made by the said Writ Petitioners was also identical to that of the submissions made before us. While rejecting the said submission, it was held that the Act cannot be read and interpreted to mean that it does not empower the Government or the competent authority to acquire lands, for construction of a highways or for widening of any road, unless and until, a road has been



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declared as Highways, under Section 3 of the Act. The Act manifestly states that for the purpose of construction, maintenance or development of any highway lands can be acquired. The Act provides for construction of a highway. It provides for maintenance. An existing road can also be declared as State Highways, and developed. For the purpose of construction of a highway, maintenance, development, and in sum and substance, for the purpose of giving effect to the Act, all acts can be done by the competent authorities, which includes acquisition of lands also."

Therefore, the acquisition proceedings initiated by the respondents cannot be faulted and the contention advanced by the petitioners is devoid of merits. The acquisition is for the benefits of the public at large and therefore, this Court cannot interdict such proceedings in doing so, extraordinary reasons must exist. This Court finds that there are no extraordinary reasons to entertain the grounds raised by the petitioners.

13. The learned counsel appearing for the petitioners further submitted that the notification under Section 15(2) of the Act was published on 29.08.2011. On receipt of the same, the petitioner had filed their objections. After receipt of the objections, the procedure prescribed under Rule 5 of the Rules. Under Rule 5(2) of the Rules, once the objections received, the third respondent ought to have fixed a date for hearing and to give notice to the objectors and the requisition body. The requisition body may file a reply or a statement and depute their representative to attend the enquiry. Under Rule 5(3) of the Rules, on the date of hearing the objectors and the requisition body will be heard. If evidence is required, the same will have to be recorded. Thereafter, details of the enquiry have to be submitted before the first respondent for passing orders under Section 15(3) of the Act. Under Rule 5(5) of the Rules, the first respondent have to pass orders on the enquiry report. However, in the case on hand, the petitioners raised their objections and they were not served any statement or reply made by the requisition body with regard to their objections and the Rules 5(3) to 5(5) of the Rules were not complied with as such the entire proceedings are void and abinitio. In this regard the learned counsel appearing for the petitioner replied upon the judgment reported in 1976 (2) SCC 895 in the case of State of Mysore and ors Vs. V.K.Kangan and Ors., as follows :-



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"We do not think that the contention is right. What the material provision of s 5A(2) says is that "the Collector shall give the objector . an opportunity of being heard either in person or by pleader and shall after hearing all such objections and after making such further enquiry if any as he thinks necessary". This does not mean that a rule cannot be framed by the rule-making-authority for the guidance of the Deputy Commissioner (the Collector) which would enable the Department concerned to place its view- point before him when considering the objection under s. 5A. The proceedings of the Collector are quasi-judicial and it is only proper that he should be apprised of the attitude of the department requiring the land in the light of the objections filed. If the department requiring the land thinks, in the light of the objection, that the land sought to be acquired is not necessary for the purpose for which it was required to be acquired or that more suitable land is available in the vicinity, it is only fair that the Deputy Commissioner (Collector) is informed about it. The answer of the department to the objection filed by the objector, even if adverse to the objector, would, at any rate, enable the Collector to bring a more informed and rational approach to the controversy before him. The Collector has to send his recommendation to government on the basis of his finding together with the record of the proceedings for the ultimate decision by the Government. IT would be helpful to the Government in making the decision to have before it the answer to the objection by the department in order to appreciate the rival view points. We do not think that rule 3(b) was ultra vires the section."

14. The learned counsel appearing for the petitioners also relied upon the judgment reported in 1987 WLR 182 in the case of Kadirvel Mudaliar Vs. State of Tamilnadu and ors., in which this Court held as follows :-

"6. In Balasubramaniam V. State of Tamil Nadu, Ramanujam, J., dealt with a case where the remarks of the requisitioning body were obtained after the enquire under S.5A and the owner was not afforded an opportunity to make his



representation over these remarks and the learned Judge held the rule to be mandatory and since there was a violation of the same, struck down the acquisition proceedings. The learned Judge took note of the pronouncement of the Supreme Court in State of Mysore Vs. V.K.Kangan and others to hold the rule to be mandatory."

15. He further relied upon an another judgment reported in 2004 (8) SCC 14 in the case of Union of India and ors Vs. Mukesh Hans., in which the Hon'ble Supreme Court of India held as follows :-

"At this stage, it is relevant to notice that the limited right given to an owner/person interested under Section 5A of the Act to object to the acquisition proceedings is not an empty formality and is a substantive right, which can be taken away for good and valid reason and within the limitations prescribed under Section 17(4) of the Act. The object and importance of 5A inquiry was noticed by this Court in the case of Munshi Singh & Ors. vs. Union of India {(1973) 2 SCC 337 where this Court held thus:- "Section 5-A embodies a very just and wholesome principle that a person whose property is being or is intended to be acquired should have a proper and reasonable opportunity of persuading the authorities concerned that acquisition of the property belonging to that person should not be made. The legislature has made complete provisions for the persons interested to file objections against the proposed acquisition and for the disposal of their objections . It is only in cases of urgency that special powers have been conferred on the appropriate Government to dispense with the provisions of Section 5-A."

36. It is clear from the above observation of this Court that right of representation and hearing contemplated under Section 5A of the Act is a very valuable right of a person whose property is sought to be acquired and he should have appropriate and reasonable opportunity of persuading the authorities concerned that the acquisition of the property belonging to that person should not be made. Therefore, in our opinion, if the appropriate Government decides to take away this minimal right then its decision to



do so must be based on materials on record to support the same and bearing in mind the object of Section 5A."

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16. All the above judgments are arising out of the provisions under Section 5(A) of the Land Acquisition Act, 1984. The objections raised by the objectors in written made to the Collector, and the Collector was given opportunity of hearing to the objectors. After hearing such objections and after making further enquiry, the Collector shall submit a report to the appropriate Government authority containing his recommendation on the objections. It is true that the objections to the acquisition proceedings is not an empty formality and that it is a substantive right. It is a right given to the land owner giving him a reasonable opportunity to persuade the authority concerned, against the acquisition of the property belonging to him. The provision under Section 5(A) of the Land Acquisition Act, 1984 is akin to Section 15(2) of the Tamil Nadu Highways Act, 2001 r/w. Rule 5(3) of the Rules, 2003. It clearly contemplates a person hearing.

17. Admittedly, in all the cases the petitioners were raised their objections and they were heard. Some of the petitioners failed to appear in the enquiry. After receipt of the objections and the remarks from the requisition body, the order was passed under Section 15(1) of the Act. Therefore, the above judgments are not helpful to the case of the petitioners. In this regard, learned Government Advocate appearing for the respondents relied upon the judgment reported in 2015 (3) LW 662 in the case of Veeyel Enterprises Vs. State of Tamil Nadu, in which the Hon'ble Division Bench of this Court held as follows :-

"19. Section 15(1) of the Act, 2001 authorises the Government to acquire the land by publishing a notice in the Tamil Nadu Government Gazette, specifying the description of such land and the particular purpose for which it is to be required. The land may be acquired under this section for the purpose of construction of any highway bridges, culverts, causeways or other structures thereon and also for other purpose incidental or ancillary thereto. Under sub section (2) of Section 15, the Government is mandated to issue show cause notice, calling upon the owner or any other person having interest in such land, specifying the time to show cause as to why the said land should not be acquired. It is also required that a public notice be given.



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Section 15(3) *ibid*, prescribes that only after considering the cause, if any, shown by the owner or other person having interest in such land, the Government should pass an order by publishing a notice under sub section (1) of Section 15.

20. Rule 5 of the Rules, 2003 framed therein provides for a mechanism for publication of the public notice. Under sub rule (1) of Rule 5, before publication of the notice under Section 15 (1) of the Act, 2001, the Collector or the Special Deputy Collector (Land Acquisition), as the case may be, is obliged to call upon the owner or any other person having interest in the land to show cause as to why the land may not be required. It is further prescribed that a public notice to that effect shall be published in one English and one Tamil newspapers having circulation in the locality and also the said notice shall be displayed in the office of the Highways authorities of the division concerned, Village Administrative Officer of the village concerned and the Tahsildar of the Taluk concerned.

21. In the case on hand, a public notice was published in one English news paper Deccan Chronicle and in one Tamil newspaper Makkal Kuralon 28.5.2013, which was displayed in the locality, as aforestated, on 29.5.2013. Thereafter, the said notice in the form of show cause was issued to the land owner on 31.5.2013. Any other person having interest in the land, as aforestated, means a person, who is in occupation or in possession or having title or ownership either jointly or separately. Sub-rule (2) of Rule 5 of the Rules, 2003 sets out how to deal with the objection, if any, received from the person interested in the land. The person interested, including the owner, is required to file objections within the time prescribed in the public notice, not from the date of receipt of the personal notice, as pleaded by the appellants.

22. Rule 5(3) stipulates consideration of the objection by the Land Acquisition Officer on the fixed date for enquiry. Before the enquiry, the objection of the land owner or any other person interested in the land, is required to be



20. In the result, all the Writ Petitions stand dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Secretary,
State of Tamil Nadu,
Highways Department,
Fort St. George,
Chennai - 600 009.
2. The Collector,
District Collectorate,
Tiruppur District,
Tiruppur.
3. The District Revenue Officer,
Palladam Road, Tiruppur.
4. The Tahsildar,
Tiruppur (South),
Tiruppur.
5. The Divisional Engineer,
State Highways Department,
Tiruppur.

+1cc to the Government Pleader, S.R.Nos.47541 to 47546

W.P.NOS.30380 TO 30384 OF 2015 &
M.P.NOS.1 TO 1, 2 TO 2 & 3 TO 3 OF 2015
& W.M.P.NOS.6130 TO 6134, 37976, 35428
TO 35431 OF 2017

W.P.NO.30933 OF 2015 & M.P.NOS.1 TO 3
OF 2015 & W.M.P.NOS.24075 OF 2016



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W.P.NOS.35223 & 35224 OF 2015 &
M.P.NOS.1 & 1, 2 & 2 AND 3 & 3 OF 2015
W.M.P.NOS.30141 & 30142 OF 2016

W.P.NOS.35344 TO 35351 OF 2015 &
M.P.NOS.1 TO 1, 2 TO 2 & 3 TO 3 OF 2015
& W.M.P.NOS.24509 TO 24516 OF 2016

W.P.NOS.33477 TO 33483 OF 2015 &
M.P.NOS.1 TO 1, 2 TO 2 & 3 TO 3 OF 2015
& W.M.P.NOS.8851 TO 8857, 25694 TO 25699 OF 2016
& W.M.P.NO.37916 OF 2017

W.P.NO.793 OF 2016 & W.M.P.NOS.607
TO 609 & 24074 OF 2016

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PBS/21/10/2021