



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.09.2021

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THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)Nos.4769, 4771 and 10050 of 2021

and

W.M.P(MD).Nos.3883,3885,3887,3888,7758 and 7761 of 2021

1. K.Nagarajan
2. N.Sumathi ... Petitioners in W.P(MD).No.4769 of 2021
1. N.Krishnammal
2. N.Nagendran
3. N.Nagarajan ... Petitioners in W.P(MD).No.4771 of 2021
- 1.Smt.Vasantha
2.Smt.Jayalakshmi
3.Smt.Maheswari ... Petitioners in W.P(MD).No.10050 of 2021

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Highways Department, Secretariat,
Chennai - 600 009.
- 2.The District Collector,
Madurai District, Madurai.
- 3.The District Revenue Officer,
Madurai District, Collectorate Campus,
Madurai.
- 4.The Revenue Divisional Officer,
Thirumangalam Division,
Thirumangalam,
Madurai District. ... Respondents in all the Writ Petitions
- 5.Smt.Lakshmi
6.Thiru. Rajavel
7.Thiru.Rajaganapathi
... Respondents 5,6 and 7 in W.P(MD).No.10050 of 2021

Prayer in W.P(MD).No.4769 of 2021:

Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the land acquisition proceedings initiated under the Tamil Nadu Highways Act, 2001 in Na.Ka.No.4185/2017/B6 dated 14.12.2020 in respect of petitioner's landed property along with superstructure in an extent of 253 Sq.mtrs. comprised in Town Survey No.7, Ward No.7, Thirumangalam



Municipality, Madurai District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in W.P(MD).No.4771 of 2021:

Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the land acquisition proceedings initiated under the Tamil Nadu Highways Act, 2001 in Na.Ka.No.4185/2017/B6 dated 14.12.2020 in respect of petitioner's landed property along with superstructure in an extent of 258 Sq.mtrs. comprised in Town Survey No.8, Ward No.8, Thirumangalam Municipality, Madurai District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in W.P(MD).No.10050 of 2021:

Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration declaring the land acquisition proceedings initiated under the Tamil Nadu Highways Act, 2001 initiated by the 3rd respondent in by proceedings in Na.Ka.No.4185/2017/B6 dated 14.12.2020 in respect of petitioner's landed property along with superstructure in an extent of 711 Sq.mtrs. comprised in Town Survey Nos.3,5 and 6 in Ward No.C, Block No.7, Thirumangalam Municipality, Madurai District as lapsed and inoperative in view of the enactment of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners	: Mr.R.R.Kannan in W.P(MD).Nos.4769 and 4771 of 2021 Mr.K.Hemakarthiskeyan in W.P(MD).No.10050 of 2021
For Respondents	: Mr.Veera Kathiravan, Additional Advocate General Assisted by Mr.K.S.Selva Ganesan, Counsel for the State for R1 to R4 in all the Writ Petitions.

COMMON ORDER

In these three writ petitions, the respective petitioner seeks a declaration that the land acquisition proceedings initiated under the Tamil Nadu Highways Act, 2001 are deemed to have lapsed and become inoperative in view of the enactment of the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30 of 2013).

2.The principal basis on which the acquisition proceedings are challenged in these three writ petitions is that the State enactment is repugnant to Act 30 of 2013, which was made on 27.09.2013. However, after these writ petitions were filed, the State enacted



the Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019, which came into effect from 26.09.2013 and had the effect of saving the three State enactments, including the Tamil Nadu Highways Act, 2001, with effect from 26.09.2013. Upon challenge, the Hon'ble Supreme Court upheld the validity of the above mentioned Act of 2019 in the judgment in **G.Mohan Rao Vs. The State of Tamil Nadu, 2019 SCC Online SC 440**. Consequently, the basis of challenge in the present writ petitions has been rejected by the Hon'ble Supreme Court.

3. Accordingly, W.P.(MD) Nos. 4769, 4771 and 10050 of 2021 are dismissed without any order as to costs by leaving it open to the respective petitioner to institute appropriate legal proceedings to challenge the acquisition proceedings on grounds other than repugnancy. Consequently, connected W.M.P (MD) . Nos. 3883, 3885, 3887, 3888, 7758 and 7761 of 2021 are closed.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Secretary,
State of Tamil Nadu,
Highways Department,
Fort St. George, Chennai-9.
2. The District Collector,
Madurai District, Madurai.
3. The District Revenue Officer,
Madurai District, Collectorate Campus,
Madurai.
4. The Revenue Divisional Officer,
Thirumangalam Division,
Thirumangalam,
Madurai District.

- +1 CC to M/s.G.Mohan Kumar, Advocate (SR-30167)
+2 CC to M/s.R.R.KANNAN, Advocate (SR-30041, 30042)
+1 CC to M/s.SPL.GP (SR-30046)

W.P. (MD) Nos. 4769, 4771 and 10050 of 2021

22.09.2021

PS (CO)/RS (12.10.2021) 3P 9C

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