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W.P.No.12210 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.P.No.12210 of 2022

G.Gouthaman

..

Petitioner

Vs.

1. The State of Tamil Nadu
represented by its Secretary
(In the rank of Additional Chief Secretary)
Department of Tourism, Culture and
Religious Endowments
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Principal Secretary and the Commissioner
Hindu Religious and Charitable Endowments Department
119, Uttamar Gandhi Salai
Chennai 600 034.
3. The Principal Secretary and
Commissioner of Land Administration
Ezhilagam, Chepauk
Chennai 600 005.
4. Chennai Metro Rail Limited (CMRL)
represented by its Managing Director
Poonamallee High Road
Koyambedu, Chennai 600 107.



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5. Arulmighu Thirukanchi Nambigal and
Sri Varadharaja Perumal Temple
Poonamallee
Through the Joint Commissioner
H.R. and C.E. Department, Vellore Region
No.308 First Floor
Arcot Salai, Kagithapattarai
Vellore 632 012.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Declaration declaring that the notification issued by the third respondent in (i) Notification (Roc.No.M1/1603727/2021) / No.VI(1)/358(f-2)/2021 dated 15.12.2021 published in Tamil Nadu Government Gazette Extraordinary 2021 No.595 Part VI Section 1 for acquiring lands under Section 3(1) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 read with the Tamil Nadu Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019 in respect of lands in Survey Nos.1323/8 measuring 191 Sq.Mts, 1325/13 measuring 33 Sq.Mts, 1325/14 measuring 1 Sq.Mt, 1325/16 measuring 35 Sq.Mt, 1333/2 measuring 17 Sq.Mts totally measuring 277 Sq.Mts. (ii) Notification (Roc.No.M1/1742660/2021) No.VI(1)/376(b-4)/2021 dated 27.12.2021 published in Tamil Nadu Government Gazette Extraordinary 2021 No.619 Part VI Section 1 for acquiring the lands in Survey Nos.4/1 measuring 1550 Sq.Mts, 5/3 measuring 736 Sq.Mts, 6 measuring 24,800 Sq.Mts, 7 measuring 1953 Sq.Mts, 8 measuring 9110 Sq.Mts, 10/1 measuring 16 Sq.Mts, 12/2 measuring 823 Sq.Mts, 13/2 measuring 450 Sq.Mts, 14 measuring 11,945 Sq.Mts, 15 measuring 10,325 Sq.Mts., 18 measuring 2298 Sq.Mts, 19 measuring 14,100 Sq.Mts, 20 measuring 6015 Sq.Mts, 39/1 measuring 4188 Sq.Mts, 40 measuring 2450 Sq.Mts, 41 measuring 14,385 Sq.Mts, 44 measuring 2763 Sq.Mts, 47/A measuring 3226 Sq.Mts, 51/1A measuring 872 Sq.Mts, 51/2A measuring 300 Sq.Mts, 52/1 measuring 2260 Sq.Mts, 54/1 measuring 8559 Sq.Mts and 54/3 measuring 3665 Sq.Mts totally measuring 1,26,789 Sq.Mts (iii) Notification (Roc.No.M1/1742577/2021) No.VI(1)/376(b-4)/2021 dated 27.12.2021 published in Tamil Nadu Government Gazette Extraordinary 2021 No.619 Part VI Section 1 in respect of lands in



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Survey Nos.1321/6 measuring 8 Sq.Mts, 1321/7 measuring 41 Sq.Mts, 1321/8 measuring 16 Sq.Mts, 1321/9 measuring 12 Sq.Mt, 1321/10 measuring 13 Sq.Mts, 1321/11 measuring 24 Sq.Mts and 1321/12 measuring 427 Sq.Mts totally measuring 541 Sq.Mts with constructed buildings on the aforesaid lands which are shops belonging to Thirukachi Nambigal and Sri Varadharaja Perumal Temple at Poonamallee are null and void and ultra vires of Article 26 of the Constitution of India read with Section 34 of the Tamil Nadu Hindu Religious and Charitable Endowments Act, 1959.

For the Petitioner : Mr.M.Ramamoorthi

For the Respondents : Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.Arun Natarajan
Special Government Pleader
for Respondents 1 and 2

Mr.P.Muthukumar
State Government Pleader
for Respondent-3

Mr.Jayesh B.Dolia
For M/s. Aiyar & Dolia
for Respondent-4

Mr.Sriram
For M/s. A.S.Kailsam &
Associates
for Respondent-5



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ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

The writ petition has been filed to challenge the notification dated 15.12.2021 issued under Section 3(1) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997, read with Land Acquisition Laws (Revival of Operation, Amendment and Validation) Act, 2019.

2. The challenge to the notification under Section 3(1) of the Act of 1997 has been made mainly on the ground that notice under Section 3(2) of the Act of 1997 was not issued prior to the notification under Section 3(1) of the Act of 1997.

3. On the aforesaid, an objection has been raised by learned Advocate General on the maintainability of the writ petition. It is in the light of the fact that the writ petition has not been filed by the temple, but said to be filed by a devotee.

4. The fifth respondent temple, in their counter, has not raised



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any objection to the acquisition of land.

5. In view of the above, the challenge to the acquisition proceedings by way of a public interest litigation may not be accepted. It is more so when larger interest is involved in the acquisition of land, namely for Metro Rail Project.

6. Further, challenge to the acquisition is made by a devotee, while the temple has not raised any objection to the acquisition, as reflected from the counter. Thus, we do not find that the writ petitioner has any locus to challenge the acquisition, by way of public interest litigation, without having any element of public interest. Accordingly, the writ petition is not maintainable and is dismissed. There will be no order as to costs. Consequently, WMP No.11662 of 2022 is also dismissed.

(M.N.B., CJ.) (N.M., J.)
11.07.2022

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M.N.BHANDARI, CJ
AND
N.MALA,J.

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