



W.P.Nos.15144 of 2020, 3582 & 23128 of 2021 and 5727 & 5926 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.15144 of 2020, 3582 & 23128 of 2021 and 5727 & 5926 of 2022

and

WMP.Nos.18898 of 2020, 4075 & 24387 of 2021, 5814 & 6023 of 2022

W.P.No.15144 of 2020:

C.Ravi

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Highways and Minor Ports (HS2) Department,
St. Fort George, Chennai - 600 009.
2. The District Collector,
O/o. The District Collector,
Tirupur District.
3. The Land Acquisition Officer Cum
The District Revenue Officer,
O/o. The District Revenue Officer,
Collectorate Complex,
Tirupur.
4. The Tahsildar,
Tirupur North,
Tirupur District.
5. The Village Administrative Officer,

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Thottipallayam Village,
Tirupur District.

...Respondents

WEB CO **W.P.No.3582 of 2021:**

P.Selvamani

...Petitioner

Vs.

1. The District Collector,
District Collector Office,
Tiruppur.
2. The Land Acquisition Officer/District Revenue Officer,
District Collector Office,
Tiruppur.
3. The Superintending Engineer (Highways),
Odakadu, College Road,
Tiruppur.
4. The Divisional Engineer (highways),
Odakadu, College Road,
Tiruppur.
5. The Assistant Divisional Engineer (Highways),
Odakadu, College Road,
Tiruppur.

...Respondents

W.P.No.23128 of 2021:

1. S.Chidambaram
2. S.Muthusamy

...Petitioners

Vs.

1. The State of Tamil Nadu,



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Rep. by its Principal Secretary,
Highways and Minor Ports (HS2) Department,
St. Fort George, Chennai - 600 009.

2. The District Collector,
Collectorate Complex,
Tirupur District.
3. The Land Acquisition Officer Cum
The District Revenue Officer,
O/o. The District Revenue Officer,
Collectorate Complex,
Tirupur.
4. The Tahsildar,
Tirupur North,
Tirupur District.

...Respondents

W.P.No.5727 of 2022:

N.C.R.Sabapathi Chettiar & Co.
Rep. by its Managing Partner,
Rajalingam,
Having office at Yarn Merchants,
No.10 (178), Universal Road,
Tirupur - 641 601.

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Highways and Minor Ports (HS2) Department,
St. Fort George, Chennai - 600 009.
2. The District Collector,
Collectorate Complex,
Tirupur District.

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3. The Land Acquisition Officer Cum
The District Revenue Officer,
O/o. District Revenue Officer Collectorate Complex,
Tirupur.

4. The Tahsildar,
Tirupur North,
Tirupur District.

...Respondents

W.P.No.5926 of 2022:

R.Arunachalam

...Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Highways and Minor Ports (HS2) Department,
St. Fort George, Chennai - 600 009.
2. The District Collector,
Collectorate Complex,
Tirupur District.
3. The Land Acquisition Officer Cum
The District Revenue Officer,
O/o. District Revenue Officer Collectorate Complex,
Tirupur.
4. The Tahsildar,
Tirupur North,
Tirupur District.

...Respondents

Prayer in W.P.No.15144 of 2020: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for



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the entire records pertaining to the proceedings of the 3rd respondent in Award No.1/2020 in Na.Ka.No.8589/2011/VUU 1 dated 14.08.2020 and his consequential proceedings in Na.Ka.No.8589/2011/VUU 1 dated 22.09.2020 and quash the same so far as the land and building at T.S.No.111 & 112 and having Door No.24, 6/179, Ravii Complex, Universal Theatre Road, (Valipalayam Main Road) Tirupur 641 602 consequently direct the 3rd respondent to pass the award with respect to the petitioner land and building at T.S.No.111 & 112 and having Door No.24, 6/179, Ravii Complex, Universal Theatre Road,(Valipalayam Main Road) Tirupur 641 602 by considering the petitioner's representation's dated 08.02.2018 and 14.02.2020 in accordance with law.

Prayer in W.P.No.3582 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2nd respondent relating to the proceedings in Na.Ka.No.8588/2011/VUU 1 dated 30.11.2020 culminating in Award No.2/2020 and quash the same and consequently direct the respondents to pay compensation to the petitioner in respect of land situate in S.Nos.1/2, 4/3, 4/4, 6/1 & 6/2, Tiruppur Town, Tiruppur Taluk.

Prayer in W.P.No.23128 of 2021: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the proceedings of the 3rd respondent in Award No.1/2020 in Na.Ka.No.8589/2011/VU 1 dated 14.08.2020 and quash the same so far as the land and building at Old Door No.171, New Door No.28, situated in lands in T.S.No.J/28/123 and 124 of Thottiyam Palayam, Tiruppur North Taluk, Tiruppur District and consequently direct the 3rd respondent to pass the award with respect to the lands petitioners comprised in T.S.No.123 and 124 and having Old Door No.171, New Door No.28 Universal Theatre Road, (Valipalayam Main Road) Tirupur 641 602 in accordance with law after giving a fair opportunity of hearing to the petitioners by following the procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in W.P.No.5727 of 2022: Petition filed under Article 226 of the



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Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the proceedings of the 3rd respondent in Award No.1/2020 in Na.Ka.No.8589/2011/VU 1 dated 14.08.2020 and quash the same so far as the land and building at Old Door No.171, New Door No.28 situated in lands in T.S.No.J/28/123 and 124 of Thottiyam Palayam, Tiruppur North Taluk, Tiruppur District and consequently direct the 3rd respondent to pass the award with respect to the lands petitioners comprised in T.S.No.123 and 124 and having Old Door No.171, New Door No.28 Universal Theatre Road (Valipalayam Main Road) Tirupur 641 602 in accordance with law after giving a fair opportunity of hearing to the petitioners by following the procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Prayer in W.P.No.5926 of 2022: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the entire records pertaining to the proceedings of the 3rd respondent in Award No.1/2029 in Na.Ka.No.9851/2018/VU1 dated 25.04.2019 and quash the same so far as the land and building at Old Door No.171, New Door No.7/182 situated in lands in T.S.No.J/29/72 and 73 of Thottipalayam village, Tiruppur North Taluk, Tiruppur District and consequently direct the 3rd respondent to pass the award with respect to the lands petitioners comprised in T.S.No.J/29/72 and 73 of Thottipalayam village, Tiruppur North Taluk, Tiruppur District accordance with law after giving a fair opportunity of hearing to the petitioner by following the procedure contemplated under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners : Mr.R.Selvakumar
(in W.P.No.15144 of 2020)
: Mr.P.Valliappan
for PV Law Associates
(in W.P.No.3582 of 2021)
: Mr.A.Sundaravadhanan
(in W.P.Nos.23128/2021 and 5727 & 5926/2022)

For Respondents : Mr.B.Vijay, AGP



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COMMON ORDER

Since the issue involved in all these Writ petitions are similar in nature, they are disposed of by way of this common order.

2. The case of the petitioners is that they claim to be the owner of their respective lands, which were sought to be acquired for the purpose of Highways project. Though the petitioners participated in the acquisition proceedings and submitted the necessary documents to substantiate their contention and raised objection for the said acquisition, the same was not considered and at the end of the enquiry proceedings, the respondents disputed that some portion of the lands alleged to have been owned by the petitioners are poromboke lands and no compensation was paid in respect of the said lands. Hence, challenging the same, the present Writ petitions have been filed.

3. Though very many grounds have been raised, the major grievance expressed by the learned counsel for the petitioners is that, the Land Acquisition Officer has not awarded appropriate compensation even in



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respect of the lands which are owned by the petitioner of which there is no dispute. Hence, it would suffice, if this Court issues direction to the respondents to refer the matter for determination of the compensation in terms of Section 20 of the Tamilnadu Highways Act, 2001 and in respect of the disputed lands, this Court may issue direction to the respondents to refer the matter to the competent Civil Court for apportionment of compensation and title dispute in terms of Section 22(3) of the said Act

4. Learned Additional Government Pleader appearing for the respondents submitted that, the respondents are ready to pay the compensation in respect of the lands for which there is no dispute, and in respect of the lands in which there is a dispute, the respondents are ready to refer the matter to the competent civil court in terms of Section 22(3) of the said Act for the purpose of adjudicating the title, within a period of six weeks from the date of receipt of a copy of this order.

5. Heard learned counsel on either side and perused the materials available on record.



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6. In view of the fair submission made by the learned Additional Government Pleader and as the issue involved in these petitions are with regard to the title over the disputed lands, the same cannot be entertained under Article 226 of the Constitution and no affirmative directions can be issued in favour of the petitioners, hence, this Court, with regard to the disputed lands, issues direction to the respondents to refer the matter to the competent competent Civil court in terms of Section 22(3) of the Tamilnadu Highways Act, 2001 within a period of six weeks from the date of receipt of a copy of this order and the petitioners are at liberty to canvass all their grievance before the said Court. Insofar as the lands to which there is no dispute, the respondents are directed to pay the compensation amount, if not already paid, within a period of six weeks from the date of receipt of a copy of this order.

7. For the reasons aforesaid, these Writ petitions stands dismissed. No costs. Consequently, connected Miscellaneous petitions are closed.

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Speaking Order : Yes/ No

Index : Yes/ No

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Rep. by its Principal Secretary,
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6. The District Collector,
District Collector Office,
Tiruppur.
7. The Land Acquisition Officer/District Revenue Officer,
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8. The Superintending Engineer (Highways),
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M.DHANDAPANI, J.

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