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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NOS.28331, 28354, 28361, 28364, 28368,  
28372 & 28374 OF 2021

AND

W.M.P.NOS.29924, 29926, 29932, 29933, 29938,  
29939, 29940, 29941, 29946, 29948, 29952,  
29954, 29955 & 29957 OF 2021

S.Balaraman

... Petitioner in  
W.P.No.28331 of 2021

H.D.Bose @ Danisukumar

... Petitioner in  
W.P.No.28354 of 2021

A.Sankar

... Petitioner in  
W.P.No.28361 of 2021

A.David

... Petitioner in  
W.P.No.28364 of 2021

K.Munivel

... Petitioner in  
W.P.No.28368 of 2021

K.Ganesan

... Petitioner in  
W.P.No.28372 of 2021

V.Selvakani

... Petitioner in  
W.P.No.28374 of 2021

.Vs.

1. The District Collector,  
Chengalpattu District,  
Chengalpattu.
2. The Special District Revenue Officer,  
Land Acquisition,  
Highways, Metropolitan Wing,  
Alandur,  
Chennai - 600 016.



3. The Assistant Divisional Engineer (Highways),  
Construction and Maintenance,  
Tambaram Sub Division,  
Office of the Construction and Maintenance,  
Tambaram, Chennai - 600 042.

... Respondents in  
all W.P's

COMMON PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records pertaining to acquisition vide impugned Notice Reference No.Na.Ka.843/2009/AA1 dated 04.02.2021 passed by the second respondent, and quash the same in respect of the petitioner.

For Petitioners : Mr.V.Ramanareddy  
in all W.P's

For Respondents in all W.P's

For R1 & 2 : Mr.G.Ameedius  
Government Advocate

COMMON ORDER

The writ petitions are filed to issue a Writ of Certiorari calling for the records pertaining to acquisition vide impugned Notice Reference No.Na.Ka.843/2009/AA1 dated 04.02.2021 passed by the second respondent, and quash the same in respect of the petitioners.

2. Heard, Mr.V.Ramanareddy, the learned counsel for the petitioners, and Mr.G.Ameedius, Government Advocate appearing for the respondents 1 & 2.

3. The petitioners owned property in various survey numbers situated at Sentamil Nagar, Velachery Main Road, Medavakkam Village, Sholinganallur, Kanchipuram District. The first respondent initiated acquisition proceedings to acquire the subject lands and issued notice. All the land owners have submitted objections. Thereafter, the petitioners came to understand about 4(1) notification issued as early as in the year 1976 and published in the official Gazette dated 11.02.1976. Thereafter, they issued Section 6 declaration and notified the same on 07.02.1979. After delay of eight years, the notice under Sections 9 and 10 of the Land Acquisition Act, 1894 were issued on 19.05.1986. Therefore, they challenged the same before this Court in several writ petitions in WP.No.8131 of



1986 and batch of writ petitions. All the writ petitions were allowed by this Court.

4. Again, the first respondent issued notice for eviction under the caption of encroachment and illegal occupation on 26.02.2016. Again, the said notice was challenged before this Court and this Court disposed of the writ petitions and directed that the said notice to be treated as show cause notice to the petitioners and also directed to submit their objections within a period of two weeks. All the petitioners had submitted their respective objections. Thereafter, the respondents initiated acquisition proceedings afresh by issuance of notification under Sections 15(2) of the Tamilnadu Highways Act, 2001 (Tamilnadu Act 34 of 2002). Accordingly, notification was published under Section 15(2) of the said Act and objections were called for. On receipt of the same, the petitioners did not raise any objections and notification under Section 15(1) of the said Act was published and in continuance of the same, the present impugned notice under Sections 19(5) and 19(7) of the said Act were issued to determine the compensation, for which enquiry to be held on 17.02.2021. Admittedly, the petitioners did not challenge the acquisition proceedings and they have challenged only the award enquiry notice, that too, after period of nearly one year.

5. On instruction, the learned Government Advocate appearing for the respondents 1 & 2 submitted that the award enquiry was conducted and award has been already passed.

6. Therefore, this Court finds no infirmity or illegality in the notice issued under Sections 19(5) and 19(7) of the Tamilnadu Highways Act, 2001 (Tamilnadu Act 34 of 2002) and all the writ petitions are devoid of merits and liable to be dismissed. Accordingly, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,  
Chengalpattu District,  
Chengalpattu



2. The Special District Revenue Officer,  
Land Acquisition,  
Highways, Metropolitan Wing,  
Alandur, Chennai - 600 016.

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3. The Assistant Divisional Engineer(Highways),  
Construction and Maintenance,  
Tambaram Sub Division,  
Office of the Construction and Maintenance,  
Tambaram, Chennai - 600 042.

+7ccs to Mr.V.Ramana Reddy, Advocate, S.R.Nos.833 to 839  
+1cc to the Government Pleader, S.R.No.1672

W.P.NOS.28331, 28354, 28361, 28364,  
28368, 28372 & 28374 OF 2021

AD(CO)  
PBS/28/01/2022