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W.P.No.6831 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.6831 of 2023

and

W.M.P.No.6935 of 2023

SMR Fly Ash Bricks,
Represented by its Partner S.Anandhapadmanaban
209/2B, 2C, Junjupalli Village,
Billanakuppam Post,
Krishnagiri – 635 115.

... Petitioner

Vs

1.The District Collector,
District Collector Office,
Krishnagiri – 635 115.

2.The Land Acquisition Officer/
Revenue Divisional Officer,
District Collector Office,
Krishnagiri – 635 115.

3.The Executive Engineer,
Water Resource Department,
Upper Penniayaru,
Dharmapuri – 636 705.

4.Krishnan

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of



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the impugned communication vide O.M.3051/2023/R2 dated 06.02.2023 issued by the 1st respondent and quash the same and direct the 1st and 3rd respondents to consider taking an alternative route or lay the cables in the underground without affecting the ingress and egress of the petitioner's factory situated in land bearing S.No.209/2B, 2C of the 4th respondent.

For Petitioner : Mr.Naveenkumar Murthi
for Ms.S.Varsha

For Respondents : Mr.P.Sathish
Additional Government Pleader
for R1 to R3

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records of the impugned communication vide O.M.3051/2023/R2 dated 06.02.2023 issued by the 1st respondent and quash the same and direct the 1st and 3rd respondents to consider taking an alternative route or lay the cables in the underground without affecting the ingress and egress of the petitioner's factory situated in land bearing S.No.209/2B, 2C of the 4th respondent.

2. In respect of property at Survey No.209/2B, 2C situated at Junjupalli Village, Krishnagiri District, it was also proposed to be acquired



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for the purpose of Enneikol Dam Project at Krishnagiri District and the said land being utilised by the petitioner, therefore the petitioner has given objection that the land belongs to the 4th respondent where the petitioner is running an industry. On behalf of the 4th respondent, the petitioner had given objection two times one is on 11.02.2022 and another is on 28.01.2023, the first representation or objection was given to the District Collector, second time it was given to the Revenue Divisional Officer who is the land acquisition authority.

3. In this context, having receipt of the objection dated 28.01.2023 the District Collector forwarded the same to the Land Acquisition Officer through his proceedings dated 06.02.2023 directing him to consider the objection given by the petitioner dated 28.01.2023 and to do the needful by passing necessary orders on merits. However, aggrieved over the said communication of the District Collector dated 06.02.2023, challenging the same, the present writ petition has been filed.

4. Explaining the reason for such challenge made against the letter/communication dated 06.02.2023 issued by the District Collector,



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Mr.Naveen Kumar Murthi, learned counsel appearing for the petitioner would submit that, the petitioner had given detailed objection twice first on 11.02.2022 second on 28.01.2023, however only the second objection i.e. 28.01.2023 alone has been mentioned in the impugned communication of the District Collector where the earlier detailed objection given on 11.02.2022 to the District Collector has not been mentioned where the valid point had been raised by the petitioner, therefore his limited grievance is that, let the Land Acquisition Officer i.e. the 2nd respondent shall take into account of both the objection given by the petitioner and any further input submitted by the petitioner by way of additional documents, that can also be taken care of by the 2nd respondent and ultimately if he comes to a conclusion let him pass an order to that effect on merits i.e. the grievance of the petitioner, he contended.

5. I have heard Mr.P.Sathish, learned Additional Government Pleader appearing for respondents 1 to 3. In view of the order going to be passed in this writ petition, notice to the 4th respondent is dispensed with.



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7. Considering the said submission made by the learned counsel appearing for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the official respondents, this Court is inclined to dispose of this writ petition with the following orders:

There shall be a direction to the 2nd respondent to take into account the objection given by the petitioner dated 11.02.2022 and 28.01.2023 as well as the objection given by the 4th respondent separately and by issuing a summon to the



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petitioner as well as the 4th respondent after giving an opportunity of being heard, the 2nd respondent shall decide the same objectively after considering the objections already submitted and to be submitted by the petitioner and the 4th respondent in this regard and final orders shall be passed therein within a period of eight weeks from the date of receipt of a copy of this order. Since the petitioner is running a factory, its ingress and egress shall not be affected till such time.

8. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Speaking Order : Yes / No

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To

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R.SURESH KUMAR, J.

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