



Rev.Appl.No.221 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

Review Application No.221 of 2022

in

W.P.No.15703 of 2021 and

W.M.P.No.26279 of 2022

- 1.The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Department of Highways and Minor Ports,
Fort St. George, Chennai – 600 009.
- 2.The Project Director,
Chennai-Kanyakumari Industrial Corridor Project,
State Highways Department,
Sardar Patel Road, Guindy, Chennai – 600 032.
- 3.The Superintending Engineer (Highways),
Chennai-Kanyakumari Industrial Corridor Project,
State Highways Department,
Sardar Patel Road, Guindy, Chennai – 600 032.
- 4.The District Collector,
Kanchipuram District.
- 5.The District Collector,
Chengalpattu District.
- 6.The Special District Revenue Officer (Land Acquisition),
Chennai-Kanyakumari Industrial Corridor Project,
No.16, Visalakshmi Nagar, Savilimedu,
Kanchipuram – 631 502.



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7.The Special Tahsildar (Land Acquisition),
Chennai-Kanyakumari Industrial Corridor Project,
Kanchipuram Unit, Kanchipuram – 631 502.

... Petitioners

Vs

1.R.Pandian
2.Shanthi

... Respondents

PRAYER : Review Application filed under Order XL VII Rule 1 & 2 read with Section 114 of the Civil Procedure Code, praying to review the order in W.P.No.15703 of 2021 dated 30.07.2021.

For Petitioners : Mr.D.Ravichander
Special Government Pleader

For Respondents : Mr.K.Yuvaraj

ORDER

The Review Petition has been filed by the Government of Tamil Nadu to review the order dated 30.07.2021 passed in W.P.No.15703 of 2021.

2. The respondents 1 and 2 filed W.P.No.15703 of 2021 challenging the acquisition notification issued by the review petitioners on 22.06.2020 and 14.07.2020 under the Tamil Nadu Highways Act more specifically under Section 15(2) of 2001. This Court, without going into the merits of the case, directed the review petitioners to issue show cause notice to the 2nd



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respondent under section 15(2) of the Act. A direction was issued considering the fact that a subsequent purchaser is also entitled for a show cause notice and such a show cause notice was directed to be issued.

3. It is not in dispute between the parties that the acquisition proceedings were initiated and the notification under the provisions of the Tamil Nadu Highways Act was issued on 22.06.2020 and 14.07.2020. The 1st respondent (R.Panidan) settled the property in favour of the 2nd respondent (Shanthi) who is none other than his wife on 22.02.2021. Admittedly, the settlement deed was executed after the issuance of the acquisition notification in the year 2020. Once acquisition proceedings were initiated and the notification was issued, subsequent purchaser or settlement or otherwise cannot be taken into account by the Court nor such persons who all are the beneficiaries, are entitled to challenge the acquisition proceedings.

4. The issue in this regard are settled by the Constitution Bench of the Hon'ble Supreme Court of India in the case of ***Indore Development Authority Vs. Manoharlal and others*** reported in **2020 (8) SCC 129**.



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5. In the present case, the 2nd respondent got right only after issuance of the acquisition notification and therefore, issuance of 15(2) notice in favour of the 2nd respondent would not arise at all. As far as the 1st respondent is concerned, show cause notice was already issued and he has defended his case. That being the factum. However, a direction was issued by this Court to issue show cause notice afresh to the 2nd respondent under Section 15(2) would be violative of the principles settled by the Constitution Bench and more so, the 2nd respondent was a subsequent beneficiary after the issuance of the acquisition notification, accordingly the order dated 30.07.2021 passed in W.P.No.15703 of 2021 stands reviewed and consequently, the Review Petition is allowed. Consequently, connected miscellaneous petition is closed.

05.06.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl



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S.M.SUBRAMANIAM, J.

Sgl

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