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W.P.No.12584 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.12584 of 2023

and

W.M.P.No.12395 of 2023

Shanthi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Highways and Minor Ports Department,
Secretariat, Chennai-600 009.
2. The Commissioner of Land Administration,
Chepauk Chennai-600 005.
3. The Special Tahsildar,
Land Acquisition Officer,
Chennai-Kanniyakumari Industrial Corridor Project,
Arakkonam Unit, MI, 13 TNHB, Jothi Nagar,
Arakkonam-631 003.
4. The Special District Revenue Officer (Land Acquisition),
Chennai-Kanniyakumari Industrial Corridor Project,
No.16, Visalatchi Nagar, Sevilmedu,
Kachipuram-631 501.
5. The Divisional Engineer,
Highways Department,
Kachipuram-631 501.



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6. The District Collector,
Highways Department,
Kachipuram-631 501.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, against the respondents to consider the representation to direct the 3rd respondent to conduct the enquiry proceedings with regard to the further illegal land acquisition proceedings with regard to the map circulated by the 5th respondent further direct the respondents to not to take any coercive steps be taken up pending disposal of the enquiry proceedings.

For Petitioner : Mrs.R.Sashasa formalities
Mr.A.Arvind Athithan

For Respondents :
(for R1 to R6) : Mr.T.Arun Kumar, AGP

ORDER

The writ on hand has been instituted to direct the respondents to consider the representation and to conduct an enquiry proceedings with regard to the acquisition proceedings.

2.The petitioner states that she is the owner of the land situated at Kanchipuram District, Kanchipuram Circle, No.129 Govindhavadi Village,



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Patta No.224, Nanjai Land. She purchased the land in the year 1999. An administrative sanction was given by the Government for widening the state highways under the Chennai Kanyakumari Industrial Corridor Project. The proposed acquisition was for an extent of 8785 Sq.Meters including the land belonging to the petitioner to an extent of 1079 Sq.Meters in Govindavadi "B" Village. An additional land of 120 Sq.Meters in the village was acquired and the detail is as under:-

Sl.N o.	Date of Publication of 15(2) Notification	Total Acquisition of my land	Compensation Granted
1.	05.03.2019	1079 Sq.Meters	481.86 Per Sq.Mtr
2.	14.01.2020	120 Sq.Meters	481.15 Per Sq.Mtr

3.The petitioner submitted his objections regarding the determination of compensation. Earlier she filed W.P.No.7949 of 2021, and this Hon'ble Court elaborately considered the grounds raised by the writ petitioner along with the other writ petitions filed and dismissed all the writ petitions and upheld the acquisition proceedings. The present writ petition has been filed by the petitioner for a direction to conduct an enquiry regarding the additional acquisition of 120 Sq.Meters for constructing a Bus Shelter.



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4.The learned counsel for the petitioner mainly contended that there was no notification or acquisition proceedings initiated regarding the said 120 Sq. Meters of land belonging to the petitioner and thus, the entire acquisition is illegal.

5.The learned counsel for the petitioner mainly contended that the additional acquisition made over and above the notified acquisition alone has been questioned by the petitioner and thus, the petitioner seeks an enquiry in this regard. At the outset, it is contended that the acquisitions made beyond the notification are to be scrapped.

6.The learned Additional Government Pleader appearing on behalf of the respondents raised an objection by stating that no additional acquisition was made by the Government as alleged by the petitioners. Notified areas alone were acquired and the petitioner has participated in the enquiry conducted by the Land Acquisition Officer. Compensation was determined and the petitioner had handed over the documents to the competent authorities and the process was completed in all respects.



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7.Substantiating the said contention, the learned Additional Government Pleader relied on the notification issued under the Land Acquisition Act for the acquisition of the additional land of 120 Sq.Meters for construction of Bus Shelter. The petitioner though participated in the enquiry did not file any statement. However, the proceedings dated 03.01.2023 issued by the Special Tahsildar would reveal that 120 Sq.Meters of land has been acquired for construction of Bus Shelter and the quantum of compensation also has been determined.

8.The counter filed by the respondents would reveal that earlier to the publication 15(1) gazette notification, the petitioner was given an opportunity to make any objection over the acquisition of land to an extent of 120 Sq.Meters for constructing Bus Shelter in S.No.94/1B1 within 30 days from date of publication of 15(2) Notification. Since the petitioner did not make any objection over the acquisition of additional land of 120 Sq.Meters in Survey No.94/1B, the 15(1) Gazette publication was published vide publication No.128 dated 25.07.2020, and has attained finality.



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9. Determination of compensation for the acquired land in Survey No 94/1BI as per the section 19(1) was ascertained and published in Tamilandu Government Gazette No. 325 dated Part II Dated 14.08.2020.

10. The award enquiry meeting was conducted by the Special District Revenue Officer on 12.10.2020 by- 11.00 AM at Govindavadi Agaram Community Hall. The petitioner was intimated to appear with the original relevant documents for enquiry as per section 19(2) Tamil Nadu Highways Land Acquisition Act, 2013. The petitioner attended award enquiry meeting without any relevant documents pertaining to the acquired land and hence the compensation amount is not yet disbursed since now.

11. The petitioner's husband sought an information in the mean time through R.T.I. The 5th respondent Department vide letter dt: 24.03.2023, replied that two bus stops are proposed, each at Thirumalpur Railway Station and Govindavadi B junction. Hence petitioner misconstrued the reply and filed the present writ petition without any substance. Hence the land acquisition proceedings pertaining to the construction of the bus stop is legal and the petitioner handed over the records on 15.12.2022 to the 3rd respondent. The compensation will be paid within June 2023 by the 4th



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respondent.

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12.The respondents have emphatically stated that they have not acquired any excess land from the petitioner and they have acquired only the notified lands for which an enquiry was conducted and the procedures as contemplated under the Act were scrupulously followed, compensation was determined and the petitioner has also handed over the documents in respect of the additional 120 Sq.Meters of land acquired for the construction of Bus Shelter.

13.In view of the facts and circumstance, the contention of the petitioner that excess land has been taken away by the authorities is not established. Accordingly, the writ petition stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

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To

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S.M.SUBRAMANIAM. J.,

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