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W.M.P.No.16653 of 2022

in

W.P.No.27968 of 2021

S.M.SUBRAMANIAM.J.,

The relief sought for in the present writ petition is to quash the enquiry call letter dated 04.08.2021.

2. The order impugned states that the petitioner is at liberty to appear on 25.08.2021 at 10.30 a.m for an enquiry along with the documents in his possession. It is an enquiry call letter issued to the writ petitioner, enabling him to produce the documents, objections / explanations or otherwise. The said enquiry notice has been challenged in the present writ petition.

3. The impugned enquiry notice issued on 04.08.2021 was filed on 03.12.2021 in the present writ petition only. The writ petition itself has been filed after the expiry of the enquiry date on 25.08.2021, more so, after a lapse of 3½ months from the date of enquiry fixed in the impugned call letter. That being the explicit fact ascertainable through the order impugned, the interim order granted cannot be extended.



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4. The land is being acquired for the expansion of road by the State Highways and such public welfare projects need not be stalled in the absence of any valid reasons. In the event of continuance of interim order, the State will not be in a position to complete the road expansion project and it is needless to state that the cost escalation on account of delay would affect the State Exchequer and the public interest.

5. Contrarily, the grievances of the writ petitioner regarding the compensation or other aspects can be redressed even if the projects are completed. The petitioner is having an opportunity to redress his grievances for enhancement of compensation or otherwise, if he is otherwise entitled in accordance with the provisions of the act. Therefore, this Court is of the considered opinion that a balance approach is to be adopted. In such circumstances, the grievances of the writ petitioner and also the public interest involved is to be considered.

6. Accordingly, the interim order granted by this Court on 23.12.2021 in W.M.P.No.29539 of 2021 in W.P.No.27968 of 2021 stands vacated.



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16.06.2023

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S.M.SUBRAMANIAM, J.

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