



WEB COPY

W.P.Nos.28014 and 28373 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.28014 & 28373 of 2023

and

WMP.Nos.27525 & 27922 of 2023

K.N.Gunasekaran

... Petitioner in WP.No.28014 of 2023

D.Jayachandran

... Petitioner in WP.No.28373 of 2023

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Highways Department,
Fort St.George, Chennai.
- 2.The Collector of Thiruvallur District,
Office of the Collector of Thiruvallur,
Thiruvallur.
- 3.The Chief Engineer,
The Tamil Nadu Highways,
Chennai Metropolitan Projects Development (CMPD),
HRS Campus, Guindy,
Chennai – 600 025.



4. The Divisional Engineer,
The Tamil Nadu Highways Department,
Chennai Metropolitan Projects Development (CMPD)
HRS Campus, Guindy,
Chennai – 600 025.

5. The Special District Revenue Officer/
Land Acquisition Officer (Metro Wing),
State Highways Department,
HRS Campus, Guindy,
Chennai – 600 025.

... Respondents in both W.P's

Prayer in WP.No.28014 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent in terms of Section 15(2) notice, dated 19.01.2022, bearing Na.Ka.No.765/2021/A1, the related notification under Section 15(1) and the incidental notice under Section 19(2), dated 23.06.2023, bearing Na.Ka.No.130/2007/E1 issued under the provisions of the Tamil Nadu Highways Act, 2001 and quash the same and thereby direct the respondents not to interfere with the peaceful possession and enjoyment of the property of the petitioner for an extent of 1453 Square feet, comprised in Survey No.109/8B, bearing Door No.17 and 18, Laxmi Nagar, Porur village, presently Maduravoyal taluk, Thiruvallur district together the superstructure thereon comprising of ground floor, 1st floor and 2nd floor and portion of the 3rd floor.

Prayer in WP.No.28373 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent in terms of Section 15(2) notice,



dated 19.01.2022, bearing Na.Ka.No.765/2021/A1, the related notification under Section 15(1) and the incidental notice under Section 19(2), dated 23.06.2023, bearing Na.Ka.No.130/2007/E1 issued under the provisions of the Tamil Nadu Highways Act, 2001 and quash the same and thereby direct the respondents not to interfere with the peaceful possession and enjoyment of the property of the petitioner comprised in Survey Nos.110/1 and 110/2 for an extent of 0.07 cents situated at Door No.57, Mount Poonamallee Road, Porur, Chennai- 600 116.

For Petitioners : Mr.A.Palaniappan
(in both W.P's)

For Respondents : Mr.T.Arunkumar,
Additional Government Pleader.
(in both W.P's)

COMMON ORDER

The notification and the consequential enquiry notice issued under the provisions of the Tamil Nadu Highways Act, 2001 are under challenge in the present writ petition.

2. The land belonging to the petitioners are sought to be acquired for State Highways Road Widening Project by the Highways Department. The petitioners have filed the present writ petition challenging the very issuance of the notice and the subsequent enquiry



notice issued.

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3. Entertaining a writ petition at this stage would cause prejudice to the acquisition proceedings initiated in the interest of the public and for road widening project.

4. The grievance of the writ petitioners' is that a small alignment will save many buildings in that locality and their objections in this regard are to be considered by the competent authorities.

5. High Court not being an expert body cannot afford any opinion regarding alignment or realignment of road project, since a research centre is working for implementation of road project. It is a research oriented projects, which requires deep considerations by the experts and High Court cannot issue any direction to realign the road or make any changes in the project already approved or otherwise. It is for the expert body to take a decision in the interest of public.



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6. It is needless to state that the fair compensation as admissible and as approved must be paid to the land owners. The mindset of the authorities to fix the reduced value and driving the land owners to approach the appellate authorities are to be avoided. The Land Acquisition Officers themselves are expected to fix the fair and just compensation at the first instance. They are not expected to fix lesser compensation and asking the land owners to approach the authorities, which will cause prejudice to them. Such an attitude of the Public Servants at no circumstances be appreciated.

7. While acquiring the land the Land Acquisition Officer must ensure that the market value / guideline value of the property acquired are determined in the manner contemplated and accordingly, the amount of compensation settled in favour of the land owners.

8. In the present case, the petitioners are at liberty to raise their additional objections, if any along with the objections already raised and the authorities competent shall consider the objections and pass



appropriate award by following the procedures as contemplated.

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9. With these observations, the Writ Petitions stand disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

26.09.2023

veda/mkn2

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes /No

To

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