



W.M.P.Nos.32530, 3084 & 3507 of 2022
and W.M.P.No.27874 of 2021
in
W.P.No.26412 of 2021 and
W.P.Nos.2938 & 3407 of 2022

S.M.SUBRAMANIAM, J.

The writ petition in W.P.No.26412 of 2021, has been initiated questioning the validity of the notice issued under Section 15 (2) of the Tamil Nadu Highways Act, 2001 and the subsequent notification issued by the Commissioner of Land Administration/R2. The writ petition in W.P.No.2938 of 2022, has been filed to declare the notification issued in G.O.Ms.No.78, Highways and Minor Ports (HF1) Department dated 22.06.2011 and the amendment made in G.O.Ms.No.99, Highways and Minor Ports (HF1) Department dated 01.09.2014 as null and void. The writ petition in W.P.No.3407 of 2022, has been filed to declare the notification issued in G.O.Ms.No.65, Highways and Minor Ports (HF 1) Department dated 29.04.2020, as null and void. Consequently, relief sought for in all these writ petitions are to forbear the respondents from quashing the land belonging to the petitioner.



2. Mr.A.Selvendaran, learned Special Government Pleader appearing on behalf of the respondents would submit that an amount of Rs.6448.24 Crore has been allocated for the construction of Chennai Kanyakumari Industrial Corridor Project (CKICP). The total road length involved in the present case is 41.779 Km, out of which 25 Km bituminous work have already been completed.

3. The learned Special Government Pleader appearing on behalf of the respondents submitted a copy of the project details and the stage of the specific bypass, which would reveal that except the portion of the land covered under these present writ petitions, the project is in progress. The details of the stage of the specific bypass reads as follows:

“STAGE OF THE SPECIFIC BYPASS

Bypass Length – 16.917 Km at which formation going in all length except the petitioner land, 70% of LA Cost is disbursed.

Alignment finalised based on IRC:SP:19 – 2001 – Guiding Principles covering Route Selection and Highway Location – Appendix – I (Section 1.15)”



4. It is contended that 70% of the compensation were already disbursed in favour of the land losers and the road project is to be completed within the time stipulated and in the event of any delay in completion of the project, the same would result in cost escalation and financial loss to the State Exchequer.

5. In the matter of land acquisition proceedings, Courts are expected to adopt a balanced approach and certain grounds raised by the petitioner are to be adjudicated at the time of final hearing.

6. Mr.V.Ayyadurai, learned Senior Counsel appearing on behalf of the petitioner mainly contended that the acquisition of the petitioner's land is illegal and against the principle of natural justice.

7. Per contra, the learned Special Government Pleader appearing on behalf of the respondents submitted that the project report reveals that 70% of the compensation were already disbursed in favour of the land losers and on account of the interim order granted by this Court, the authorities are not in a position to complete the project, which will lead to financial loss to the State Exchequer.



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8. No doubt, the proprietary right is to be protected. However, in the event of establishing the grounds raised in the affidavit filed by the petitioner, this Court can grant suitable relief at the final hearing stage. Contrarily, stalling the entire road project, which is of public importance would cause greater prejudice and irreparable loss to the public interest and this Court is not inclined to extend the interim order already granted by this Court and the grounds raised by the petitioner are to be adjudicated during the final hearing of these writ petitions.

9. Accordingly, W.M.P.No.32530 of 2022 stands allowed and consequently, W.M.P.Nos.27874 of 2021, 3084 & 3507 of 2022 are dismissed.

10. Post the Writ Petition for final hearing next week.

19.06.2023

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Note: Issue Order Copy on 20.06.2023.



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S.M.SUBRAMANIAM, J.

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