



W.P.(MD)No.3003 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD) No.3003 of 2023
and W.M.P.(MD)No.2823 of 2023

D.Senthilnathan

... Petitioner

Vs.

1.The Chief Secretary,
O/o.Chief Secretariat Office,
Tamil Nadu,
Chennai – 600 009.

2.The District Collector,
Collectorate,
Thanjavur,
Thanjavur District.



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3.The Regional Divisional Officer,
O/o.Regional Transport Office,
Nagai to Coimbatore National Highway Road,
Pillaiyarpatti,
Thanjavur District.

4.The Revenue Divisional Officer,
O/o.REvenue Divisional Office,
Thanjavur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 10.01.2023 and further to direct the respondents to reconsider and reroute the project of Thiruvaiyar bypass road without destructing the paddy fields as which is the only source of food for the residents of Tamil Nadu.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.P.Thilak Kumar,
Government Pleader.

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated



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10.01.2023 and further to direct the respondents to reconsider and reroute the project of Thiruvaiyar bypass road without destructing the paddy fields as which is the only source of food for the residents of Tamil Nadu.

2. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner submitted that the petitioner is working as a Lecturer in Private Educational Institution. He is the State organizer of Veerathamizhar Munnai Naam Tamilar Katchi. In addition to that, he is involving in social work also associated with the Naam Tamilar Katchi, by following democratic methods to the benefit of the Society. While that being so, the third respondent gave a paper advertisement dated 04.02.2019, declaring that they supposed to acquire the land for Tiruvaiyaru By-pass Road Extension project from Kalyanapuram, Kandiyoor, Keelathirupanthuruthi, Manakarambai, Perumpuliyoor and Tiruvaiyaru West Villages. After knowing that, many villagers duly submitted their objections against the land acquiring.



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But the third respondent did not conduct public hearing and no explanation was provided for the objections received from the villagers. Since the respondents are pursuing the project clandestine manner, the villagers conduct various agitations against this project as their agricultural lands are going to be acquired, but the respondents did not give any reply. He further submitted that as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Compensation, Rehabilitation and Resettlement and Development Plan) Act, 2013, the respondents have to follow the procedure for acquisition of the land and the respondents have not paid the compensation amount to the land owners in Keelathirupanthuruthi and Kandiyoor Villages. Hence, the petitioner has filed this Writ Petition. He further submitted that the petitioner has received a letter from the District Collector informing that a meeting to be convened for the grievance of the village people.

4. The learned Government Pleader appearing for the respondents submitted that the respondents have issued notification on 20.07.2020 for



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acquiring the land under Section 3A of the National Highways Land Acquisition Act, and thereafter, considering the objections, final notification has also been issued and award has been passed and 89 farmers have been received the compensation from the Department out of 300 persons. Thereafter, tenders have been floated and work order has also been issued to the successful bidder viz., M/s.JSV Infra, Thanjavur on 26.08.2022 and the work has been commenced from 12.10.2022 to the extent of 6.754 Kms. He further submitted that after harvesting, the entire construction work will be completed and therefore, at this stage, the prayer of the petitioner cannot be entertained and hence, this Writ Petition is liable to be dismissed.

5. We have heard the submissions made by the learned counsel appearing on either side and perused the materials available on record.

6. On a perusal of the records, it is seen that the land acquisition proceedings have been completed and work order has been issued and the work has been commenced from 12.10.2022. Therefore, we are of the view that at the



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belated stage, the prayer of the petitioner cannot be granted and the petitioner has to approach this Court when the acquisition process has been commenced. Further, the petitioner is not an aggrieved person and he has filed this Writ Petition by representing the village people under the guise of Public Interest Litigation and therefore, we are not inclined to entertain this Writ petition. Hence, this Writ Petition is liable to be dismissed.

7. Accordingly, this Writ Petition is liable to be dismissed. At this juncture, the learned counsel for the petitioner seeks for a direction to the District Collector to consider the objections filed by the villagers. We do not stand on the way of the respondents for considering the said objections for realignment of the said work and it is for the authority concerned to consider the same. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] [L.V.G., J.]
15.02.2023

NCC : Yes / No
Index : Yes / No

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