



WP(MD)No.7417 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.7417 of 2023
and
WMP(MD)No.6954 of 2023

R.Seetharaman

... Petitioner

v.

- 1.The District Collector,
Tanjore.
- 2.The Superintending Engineer,
O/o.the Superintending Engineer (H),
Projects,
No.1, South St Ganapathy Nagar,
Opposite to P.V.Selvaraj Higher Secondary School,
MC Road,
Thanjavur – 613 001.
- 3.The District Revenue Officer,
Tanjore.
- 4.The Special Tahsildar,
Land Acquisition (Highways – Kumbakonam Bye-Pass),
Kumbakonam,
Tanjore.



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5. The Inspector of Police,
Nachiarkoil Police Station,
Thanjavur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents from in any manner entering the lands or from disturbing the possession of the petitioner to the lands in S.No.95/4A admeasuring a total extent of Ac.1.75 cents, Karuppur Revenue Village, Kumbakonam Taluk, Thanjavur District or by altering the physical features of the said lands without following due process of law.

For Petitioner : Mr.VR.Shanmuganathan

For Respondents : Mr.Veera Kathiravan,
Additional Advocate General

Assisted by
Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner is an Agriculturist having a land in S.No.95/4A at Karuppur Revenue Village, Kumbakonam Taluk, Thanjavur District. With an



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apprehension that the respondents are attempting to dispossess him from his land by fixing some boundary stones, the petitioner has approached this Court for a mandamus forbearing the respondents from disturbing his possession in respect of the land in S.No.95/4A.

2.Learned Counsel for the petitioner has made out a case that the respondents, without any notice, have entered into his land and has also laid some survey stones. Therefore, he has approached this Court.

3.In response to this writ petition, learned Additional Advocate General submitted that the Government is having an intention to develop a bye-pass road in Kumbakonam Town and for that, they have identified some lands, including a portion of the petitioner's land to an extent of 28 cents in S.No. 95/2A. Notice under Section 15(2) of the Tamil Nadu Highways Act was issued on 10.08.2017 and the acquisition proceedings is still pending. In the process of executing the work, on the suggestions made by the respective stakeholders, the Government is also intending to go for a second alignment for the purpose of shortening the distance.



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4.By referring to the provision under Section 14 of the Tamil Nadu Highways Act, 2001, the learned Additional Advocate General submitted that the Highways Authority is having a power to enter upon, survey and take measurements and levels of any land and in doing so, they have to issue a notice to the concerned land owners by giving 48 hours time. For the second alignment, they have not conducted any survey and in the event, if the petitioner's left-over land is also required for the realigned version, then necessary notice under Section 14(2) of the Act would be issued and further course of action would be taken by following the due process of law.

5.This Court considered the rival submissions made by the learned Counsel on either side.

6.The Government is in the process of laying a bye-pass road to Kumbakonam Town. They have already prepared an alignment and issued notice under Section 15(2) of the Act for acquiring a portion of the petitioner's land to an extent of 28 cents in S.No.95/2A. The acquisition



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proceedings is still pending. While so, the Government is now inclined to realign the project, upon the request of the stakeholders and therefore, they are intending to acquire some more land.

7. According to the respondents, they have already issued notice as required under Section 15(2) of the Act for acquiring 28 cents of the petitioner's land in S.No.95/4A. In the event, if the respondents are inclined to acquire the left-over lands of the petitioner, ie., the entire extent in S.No. 95/4A, they shall do so, by entering into the land only after issuing a notice as contemplated under Section 14(2) of the Act and by strictly complying with the provisions of the Act.

Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
NCC : Yes / No
Internet : Yes
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B.PUGALENDHI, J.

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