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W.A.(MD)Nos.1737 to 1741 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.A.(MD)Nos.1737 to 1741 of 2023

and

W.M.P.(MD)Nos.13288 to 13290, 13292 & 13294 of 2023

Savarinathan	... Appellant in W.A.(MD)No.1737 of 2023
Moses	... Appellant in W.A.(MD)No.1738 of 2023
Milton Kumar	... Appellant in W.A.(MD)No.1739 of 2023
Arockia Selvakumar	... Appellant in W.A.(MD)No.1740 of 2023
I.Paulselestin	... Appellant in W.A.(MD)No.1741 of 2023

Vs.

1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Industries Department, Fort St.George,
Secretariat, Chennai-9.

2.The State of Tamil Nadu,
Rep. by Secretary to Government,
Public Works & Irrigation Department,
Fort St.George, Secretariat, Chennai-9.



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3.The District Collector,
Tiruchirappalli.

4.The District Revenue Officer,
Tiruchirappalli.

5.The Airport Director,
Airport Authority of India,
Trichy Airport, Trichy-07.

... Respondents in all W.Ps.

COMMON PRAYER: Writ Appeals filed under Clause 15 of Letters Patent Act, to set aside the orders passed in W.P.(MD)No.22916 of 2017, dated 10.04.2023, W.P.(MD)Nos.79, 73 and 75 of 2018, dated 10.04.2023 and W.P.(MD)No.22313 of 2017, dated 10.04.2023 respectively on the file of this Court.

For Appellants	: Mr.S.Muthukrishnan
For R1 to R4	: Mr.Veera Kathiravan, Additional Advocate General assisted by Mr.T.Amjadkhan, Government Advocate
For R5	: Mr.C.Godwin (in all W.Ps.)



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COMMON JUDGMENT

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(Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***)

The acquisition proceedings are initiated and notification under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (TN Act 10 / 1999) was issued and the said notices issued to the land owners are under challenge in the Writ proceedings.

2.The learned Single Judge considered the issues and formed an opinion that notice itself is under challenge in the Writ proceedings and therefore, the writ petitioners may avail the opportunity by submitting their explanations / objections, if any, for the purpose of considering the same including re-alignment, alternate design etc.

3.The Court not being an expert body cannot consider technical or other objections raised by the parties. The acquisitions are proposed for the purpose of expansion of Airport at Trichy. The expert body constituted has to examine these technicalities for the purpose of considering the objections, if any, by the land owners. The statute provides an opportunity. Thus, the land owners are expected



to avail the opportunity and place their grievances before the competent authority, who, in turn, shall consider in consultation with the expert body and thereafter, take a decision and proceed with the acquisition proceedings by following the procedures as contemplated under the Act.

4.Nipping the bud in respect of the acquisition proceedings would cause prejudice to the public interest. In the event of any delay in implementation of public projects, the same would result in huge financial loss on account of cost escalation. Contrarily, the land owners may submit their objections and such objections, if any, may be considered objectively and subjectively by the competent authorities.

5.Thus, the appellants / writ petitioners are at liberty to submit their objections / suggestions, within a period of 15 days from today and the authorities competent may consider the same and thereafter, proceed with the acquisition by following the procedures as contemplated under the Act.

6.Thus, we do not find any infirmity or reason to interfere with the orders passed by the learned Single Judge and the same are confirmed.



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Consequently, these Writ Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

10.10.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

Yuva

To

- 1.The Secretary to Government,
State of Tamil Nadu,
Industries Department, Fort St.George,
Secretariat, Chennai-9.
- 2.The Secretary to Government,
State of Tamil Nadu,
Public Works & Irrigation Department,
Fort St.George, Secretariat, Chennai-9.
- 3.The District Collector,
Tiruchirappalli.
- 4.The District Revenue Officer,
Tiruchirappalli.



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

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