



WP(MD)No.17051 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **06.10.2023**

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.17051 of 2020

and

W.M.P.(MD)No.14251 of 2020

Muruganandham

...Petitioner

/Vs./

1.The District Collector,
Thanjavur.

2.The District Revenue Officer,
(Land Acquisition),
National Highways,
Thanjavur.

3.The Divisional Engineer,
National Highways,
Thanjavur.

...Respondents

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, thereby forbearing the respondents from forming the road in the petitioner's patta land in S.No.203/1 Ombathuveli Village, Budalur Taluk, Thanjavur District and further directing the respondents form Thukattupalli ring road in the Government poramboke land especially in Kadungaluru bund.



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For Petitioner : Mr.M.Laxmi Mahendraa

For Respondents : Ms.D.Farjana Ghoushia

Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of mandamus forbearing the respondents from forming a road in the patta land belonging to the petitioner in S.No.203/1 Ombathuveli Village, Budalur Taluk, Thanjavur District and further directing the respondents form Thukattupalli ring road in the Government poramboke land especially in Kadungaluru bund.

2. The third respondent, namely, Divisional Engineer, has filed counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:-

“3. As far as to Para 5, I submit to state that due to frequent and heavy traffic congestion at Km. 0/6-1/0 of Thirukkattuppalli - Sengippatti - Pattukkottai road during peak hours on daily basis particularly in the narrow and builtup area of the Thirukkattuppalli town limit, the Highways Department proposes a bypass in Thirukkattuppalli starting at Km. 14/6 of Thogur Ayyampettai road which then crosses Thirukkattuppalli - Sengippatti - Pattukkottai road at Km. 1/8 and ends at Km. 17/6 of Thogur Ayyampettai road. This proposal was mainly to facilitate effective traffic regulation apart from casing congestion



every day in Thirukkattuppalli Town. In order shape up the proposal, a Detailed Project Report was taken up under traffic study sanctioned under the Comprehensive Road Infrastructure Development Programme 2010-2011 (CRIDP 2010-2011) and this DPR work was entrusted to a consultant. The proposed length of the bypass is 3.20 km. It runs through 3 revenue ages called Palamarneri, Onbathuveli and Thirukkattuppalli. Land to be acquired from these three villages. Overall 10.67.10 Hectares of land to be acquired in which 10.12.50 Hectares is private land and 00.54.60 Hectares land is Government land. Alignment for this bypass was approved on 12.6.2014 and Land an Schedule was prepared accordingly Therefore during the Budget Session of 2014-2015, the Honourable Chief Minister had announced that the land acquisition work will be commenced for the formation of bypass to Thirukkattugalli town. Finally Administrative sanction was accorded for Rs. 418.00 lakhs exclusively for land acquisition for the bypass vide. G.O (Ms) No 80 Highways & Minor Ports (HP2) Department date. 15.05.2018.

4. To the averments made in para 6, I submit to state that after detailed traffic study and by considering all the pros and cons, the bypass for Thirukkattuppalli town was mainly proposed to serve the general public. A Detailed Project Report was prepared initially and the Land Plan Schedule was prepared accordingly. The alignment to the bypass was approved by a specially constituted alignment committee comprising high ranking officers. Various options were taken for consideration and the best of the available options for the alignment was chosen. Therefore as far as the alignment is concerned, there is no point for to reconsider it since it was approved after thorough



deliberations. Once Administrative sanction was accorded for the land acquisition, 15(2) notifications was issued on 07.06.2019 for all the three villages in Tamil and in English in the prominent news dailies. Private Land owners were invited for an enquiry to register their views and all the objections received were properly addressed. Procedures laid in the TamilNadu Land Acquisition act 2001, was strictly followed and nothing has been done which undermines the act as alleged by the petitioner. The main intention of petitioner is to stall the progress of the land acquisition which is now midway through for his own self interest rather than the interest of the grieved general public by proclaiming one reason or the other.

5. I submit that I deny all the averments made in para 7 of the petition. As far as the 15(2) notification is concerned, the exact land owners as per revenue records are addressed. There is no bar for anyone to make any representation on behalf of the land owners by explaining the real facts with records. It is upto the petitioner who fails to make any representation when the choice of doing so is available on his side. Now he is trying to make a hole out of it by seeking legal remedy in this Honourable Court.”

3. Heard Mr.M.Laxmi Mahendraa, learned counsel for the petitioner, Ms.D.Farjana Ghoushia, learned Special Government Pleader for the respondents.



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4. It is very clear from the counter affidavit that acquisition proceedings have to be initiated by the concerned department and only thereafter, the property is going to be utilized for the purpose of forming a road.

5. The apprehension of the petitioner is that patta stands in the name of his mother and his mother has died and therefore, notice will not be served at the time of acquisition proceedings.

6. The learned Special Government Pleader submitted that acquisition process is going on and that the petitioner will also be put on notice and his objections will be considered before taking a decision in the acquisition proceedings.

7. In view of the same, the apprehension raised by the petitioner as if the road is going to be laid in patta land without following due process of law, is unfounded. It is left open to the petitioner to make his objections during acquisition proceedings and the same will be considered by the authorities in accordance with the relevant enactment and they will proceed further in accordance with law.



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8. This writ petition is disposed with the above directions. No costs.

Consequently, connected miscellaneous petition is closed.

06.10.2023

NCC : Yes/No
Internet :Yes/No
Index :Yes/No
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N.ANAND VENKATESH, J.

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Order made in
W.P.(MD)No.17051 of 2020

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06.10.2023