



W.P.(MD)No.14632 of 2018 & etc., batch

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

**W.P.(MD)Nos.14632 to 14636, 14638 to 14640, 12789,
14642, 1085 to 1093, 1095 to 1098, 12788,
12792 and 12795 of 2018
and connected writ miscellaneous petitions**

W.P.(MD)No.14632 of 2018

S.Arunachalam

... Petitioner

-Vs-

1.Government of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Industries Department,
Fort St.George,
Secretariat, Chennai-600009.



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2. Government of Tamil Nadu,

Rep. by the Principal Secretary,

Department of Highways and Minor Port Department,

Fort St. George,

Secretariat, Chennai-600009.

3. The Project Director,

Tamil Nadu Road Sector Project II,

No.171, Kesonaperumalpuram,

Greenways Road, Raja Annamalaipuram,

Chennai-600028.

4. The District Revenue Officer (Land Acquisition Officer),

O/o. District Revenue Officer Land Acquisition,

Tamil Nadu Road Sector Project II,

No.14, Hazrath Abdulla Salam Road Kaja Nagar,

Thiruchirappalli-620020.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring the Sections 15 and 16 of Tamil Nadu Highways Act, 2001 and Rules made thereunder including G.O.(MS)No.251 Industries (SIPCOT-LA) Department, dated 31.12.2014 issued by respondent No.1 as



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illegal and unconstitutional as it is inconsistent and repugnant to the Central Law namely, Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter refer to as New Central Act 2013), and consequently, declare the acquisition proceedings initiated by proceedings in Na.Ka.294/2014/A3 (Additional-1) on the file of respondent No. 4, dated 30.08.2017 as illegal insofar as the petitioner's shop and house in S.No. 140/3D, Tirunelveli District in an extent of 0.0325 sq.meter initiated by respondent No.4 invoking Sections 15 & 16 of the Tamil Nadu Highways Act, 2001 and rules as null and void.

For Petitioner : Mr.T.Lajapathi Roy, Senior Counsel
for M/s.T.Lajapathi Roy and Associates

For Respondents : Mr.Veera.Kathiravan,
Additional Advocate General,
assisted by Mr.K.Balasubramani,
Additional Govt. Pleader

COMMON ORDER

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

Today, when these Writ Petitions are taken up for hearing, the learned Additional Advocate General appearing for the respondents relied upon the decision of the Hon'ble Supreme Court of India in ***G.Mohan Rao and others Vs.***



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State of Tamil Nadu and others reported in ***2021 SCC Online SC 440***, wherein it has been held that the 2019 Act is to be a legitimate legislative exercise and to be consistent with and within the four corners of Article 254 of the Constitution of India and also of the High Court judgment. He submitted that the said finding is squarely applicable to the present case also.

2. The learned counsel appearing for the petitioners has not refuted the said submission.

3. In view of the decision cited supra, these Writ Petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [L.V.G., J.]
23.02.2023

NCC : Yes / No
Index : Yes / No
vsm



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To

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