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W.P.(MD)NO.26629 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.26629 of 2023

M/s.K.K.Flats Pvt. Ltd.,
Rep. by its Director Devakavitha,
W/o.Muthukumar,
No.1A, South 80 feet Main Road,
Anna Nagar, Madurai – 625 020.

... Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.
2. The Commissioner of
Land Administration,
Ezilagam, Chepauk, Chennai – 600 005.
3. The District Revenue Officer,
Land Acquisition(M), Madurai.
4. The Superintending Engineer(H),
Construction and Maintenance,
Madurai – 625 002.
5. The Divisional Engineer(H),
Construction and Maintenance,
Guindy, Chennai – 625 002.
6. The Chief Engineer(H),
Construction and Maintenance,
Guindy, Chennai – 600 025.
7. The Chief Engineer,
National Highways,
Construction and Maintenance,
Guindy, Chennai – 600 025.

... Respondents



Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 3 to 6 herein to pay compensation amount under Section 15(1) of Tamil Nadu Highways Act 2001 for the acquisition of the petitioner's lands in T.S.No.2, 37 and 46/3 to an extent of 6872.21 sq.mts. situated at Sathamangalam Village, Madurai North Taluk, Madurai District for the formation of Vaigai river North bank road from Kurivikaran Salai to Anna Nagar under comprehensive road infrastructure development programme to the petitioner herein.

For Petitioner : Mr.A.Thiyagarajan,
Senior Counsel,
for M/s.S.Sundaravadivel.

For Respondents: Mr.M.Prakash,
Additional Government Pleader.

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the respondents.

2. Vide notification dated 21.01.2022, notice under Section 15(1) of the Tamil Nadu Highways Act 2001 was published in Tamil Nadu Government Gazette. Gazette No.54 of the notification reads as follows:-



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No. M/1/6016-7/2022

(Rev. No. 12/2020)

The Government of Tamil Nadu having been satisfied that the lands specified in the Schedule below to be acquired for the formation of road on Vaigai river north bank from Kurukkottan Salai to Anna Nagar in NO-100 km in Sathamangalam Village, Madurai North Taluk of Madurai District and it having already been decided that the amount of compensation for the lands to be acquired of the lands specified in the Schedule by Licensed Engineer (R) Project Division, Madurai. The following notice is issued under sub-section (1) of section 15 of the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002).

NOTICE

Under sub-section (1) of section 15 of the Tamil Nadu Highways Act, 2001 (Tamil Nadu Act 34 of 2002), the Government of Tamil Nadu is hereby acquiring the lands specified in the Schedule below measuring an extent of 6072.21 sq. mtrs. to the same or less from an area needed for formation of road on Vaigai river north bank from Kurukkottan Salai to Anna Nagar in NO-100 km in Sathamangalam Village, Madurai North Taluk of Madurai District.

The plan of the lands specified in the Schedule of the District Collector (R), Madurai may be inspected on any day during office hours.

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THE SCHEDULE

Madurai District, Sathamangalam Village, North Taluk, Sathamangalam Village

S. No.	Survey Number			Total Area (in ares)	Extent to be Acquired (in ares)	Type of Land (Dry / Irrigated / Cultivable)	Details of Shareholders in the lands to be acquired	Details of Trees in the lands to be acquired	Details of land Owner/ Interested Person
	Ward	Block	Town Survey No.						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	18	10	2	0.2372	2/70	Dry	NI	NI	Devakavitha W/O. Muthukumar (P.O. K.K. Plaza Private Limited)
2	18	10	3	0.7875	3/45	Dry	NI	NI	Devakavitha W/O. Muthukumar (P.O. K.K. Plaza Private Limited)
3	18	28	46/3	0.1520	0.02.21	Dry	NI	NI	Devakavitha W/O. Muthukumar
Total					6072.21				

Total extent to be acquired 6072.21 Sq.mtrs.

S. NAGARAJAN,
Commissioner of Land Administration

3. As per Section 16(1) of the Act, when a notice was issued under Section 15(1) of the Act in the Tamil Nadu



Government Gazette, the notified land shall vest absolutely in the Government free from all encumbrances. It is not known if actual possession has been taken over or not. Be that as it may, in matters such as this, the land owner cannot be kept in a state of suspense. The land had been acquired for constructing Vaigai river north bank from Kuruvikkaran Salai to Anna Nagar in 0/0-1/100km.

4. The learned Senior counsel would point out that the proceedings have been going on since 2020. It appears that a firm decision is yet to be taken as regards alignment. It is admitted that more than three months back, the relevant proposal has been submitted to the seventh respondent. The seventh respondent is directed to take a call in the matter within a period of four weeks from the date of receipt of a copy of this order. Based on the order to be passed by the seventh respondent, the authorities will know the exact extent of land that will be required for the present project.

5. The petitioner will be categorically informed as to where they stand. That shall be done within a period of two weeks thereafter. Based on the extent of the land to be physically taken from the petitioner, compensation shall be



paid to the petitioner within a period of twelve weeks thereafter. This is of course subject to verification of the petitioner's title over the acquired land. If lesser extent of land is proposed to be taken, consequential steps as contemplated under the proviso to Section 16(1) of the Act will be taken immediately thereafter so that the land not required is released from acquisition proceedings. This writ petition stands disposed of. No costs.

11.12.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes/ No

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Note : Issue order copy on 12.12.2023.



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G.R.SWAMINATHAN,J.

PMU

To:

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