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W.A.No.2344 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.06.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.2344 of 2013

and

M.P.No.1 of 2013

1.P.Venkataraman (Deceased)

2.V.Suresh

3.V.Kausalya

4.V.Magesh

5.V.Prasanna

... Appellants

[A2 to A5 brought into record as LR's of the deceased A1, vide order dated 26.08.2021 made in CMP.No.13306/2021 in WA.No.2344/2013]

Vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Highways and Minor Ports (HW2) Department,
Fort St. George,
Chennai – 600 009.

2.The Chief Engineer (H) Metro,



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Tamil Nadu Highways Department,
Chennai – 600 016.

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3.The District Collector,
Tiruvallur District.

4.The Divisional Engineer,
Highways Department,
Guindy, Chennai – 600 032.

5.The Special Deputy Tahsildar,
(Land Acquisition),
Tamil Nadu Urban Development Scheme III,
Chennai at Poonamallee.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 09.11.2012 passed in W.P.No.10065 of 2010 and pass such further or other orders as this High Court may deem fit and proper in the circumstances of the case.

For Appellants : Mr.G.K.R.Pandiyan

For Respondents : Mr.T.Chandrasekaran
Special Government Pleader

J U D G M E N T

[Judgment was delivered by **S.M.SUBRAMANIAM, J.**]

The writ appeal has been instituted against the order dated 09.11.2012 passed in W.P.No.10065 of 2010.



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2. The writ petition was instituted challenging the acquisition proceedings of the Government dated 22.04.2010.

3. The Writ Court considered the issues raised by the petitioner. The grounds raised by the petitioner before the Writ Court was that vast extent of lands were available for public purposes and instead of acquiring those lands, the lands belonged to the petitioner had been acquired.

4. Mr.G.K.R.Pandiyan, learned counsel for the Appellants would submit that the petitioner submitted an objection for realignment of Highways by acquiring lands situated adjacent to the land belonged to the petitioner. However, the representation to realign the road project was rejected by the Government. Thus, the petitioner had chosen to file the writ petition.

5. The learned Single Judge considered the issues and formed an opinion that the objections submitted by the petitioner to the State Government was rejected and therefore, it is not possible for the Court to issue a direction to realign the road excluding the petitioner's land. The



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schemes are periodically updated in tune with the change in the technical advancement. Hence, High Court cannot interfere with reference to the road project, which was already determined by the competent authorities. Accordingly, the writ petition was rejected.

6. High Court in exercise of power of judicial review cannot issue a direction to realign the road projects, which is designed and determined by experts through research. It is the expert body decides the road project and High Court not being an expert body cannot issue a direction to realign the road project, which would result in detrimental to public interest.

7. In this context, the Divisional Engineer, Highways Department in his status report would state that the Indian Road Congress (IRC) is the expert apex body in respect of evolving the standards, design and specification for road and bridge works considering public safety and vehicular traffic. Thus, it is not possible to realign the road excluding the petitioner's land as to the nature of the road as alleged by the petitioner. The standards are periodically updated in tune with the changing demographics and manifold increase in vehicular traffic. Therefore, changing the alignment of the road could not be



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prepared at given point of time. Further, the storm water flow is to be discharged via culverts to avoid inundation and ensure free flow of vehicular traffic, further avoid damages to road. Since the Topography of the area near petitioner's land requires culvert for cross drainage, it is expert domain to decide a construction of culvert based on the low lying terrain. Thus, the construction of culvert cannot be avoided to protect the roads and ensure proper vehicular movements.

8. Considering the opinion of experts, the Secretary to Government, Highways and Minor Ports Department in letter dated 22.04.2010 has rejected the request of the petitioner to change the alignment. High Court also directed the Government to consider the representation, which was duly considered and rejected in view of the expert opinion given by the Highways Department.

9. The learned counsel for the appellants would further submit that there is an enormous delay in depositing the compensation.

10. In this regard, the petitioner is entitled for interest under the



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provisions of the Act. The appellants have got a right to the claim interest for the belated deposit of compensation amount by the respondents. However, the claim of the 1st appellant for realignment of road project cannot be considered by this Court as rightly rejected by the Writ Court.

11. In view of the facts and circumstances, the Writ Appeal stands dismissed. Consequently, connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

[S.M.S., J.] [C.K., J.]
04.06.2024

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Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No



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