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W.P.No.9232 of 2024 etc

{IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25..04..2024

CORAM :

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.Nos.9232 of 2024, 26412 of 2021, 2938,
3407 of 2022, 20347 & 20618 of 2023
and

W.M.P.Nos.10270 of 2024, 19708 & 19999,20000 of 2023

W.P.No.26412 of 2021

V.D.Raja

.....Petitioner

-Versus-

- 1.The State of Tamil Nadu
Rep. By the Secretary to Government,
Highways and Minor Ports Department,
St.George Fort, Chennai – 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
- 3.The Special District Revenue Officer (LA),
Chennai – Kanyakumari Industrial
Corridar Project, Kanchipuram.
- 4.The Special District Revenue Officer
(Land Acquisition),
Tamil Nadu Roads Development Plan-II,
Chennai.
- 5.The Special District Revenue Officer
(Land Acquisition),



W.P.No.9232 of 2024 etc

Chennai-Kanyakumari Industrial
Corridor Project, Arakonam Limite,
Arakonam, Ranipet District.

6.The Chief Engineer
(Construction & Maintenance),
Highways Department,
Chennai.

7.The Divisional Engineer (Highways),
Chennai-Kanyakumari Industrial
Corridor Project, Kanchipuram.

..... Respondents

Prayer in W.P.No.26412 of 2021: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the notice under Section 15(2) of the Tamil Nadu Highways Act, 2001 as issued in proceeding No.129/2018/A2 dated 24.01.2020 on the file of the Special District Revenue Officer (Land Acquisition), Chennai – Kanyakumari Industrial Corridor Project, Kanchipuram/R3 followed by the notification issued by the Commissioner of Land Administration/R2 in his proceedings Roc. No.CKICP/CLA/15(1)/SH-58-II/53/2021 (No.VI(1)/70(C-8)/2021) as published in the Tamil Nadu Government Gazette Extraordinary No.138 Part VI Section 1 dated 26.02.2021 and quash the same and consequently forbear the respondents from acquiring the lands of the petitioner measuring an extent of 7251 square meter in Survey Nos.95/10 to 95/15 situated in Melpakkam Village for the formation of bye-pass road in SH-58-II, Kanchipuram-Arakonam-Tiruttani Road at Kilometer 96/480 to 97/250 under Chennai – Kanyakumari Industrial Corridor Project for Highways.

W.P.No.2938 of 2022

V.D.Raja

.....Petitioner

-Versus-

1.The State of Tamil Nadu
Rep. By the Secretary to Government,
Highways and Minor Ports Department,



W.P.No.9232 of 2024 etc

St.George Fort, Chennai – 600 009.

2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.

3.The Special District Revenue Officer (LA),
Chennai – Kanyakumari Industrial
Corridar Project, Kanchipuram.

4.The Special District Revenue Officer
(Land Acquisition),
Tamil Nadu Roads Development Plan-II,
Chennai.

5.The Project Officer,
Chennai – Kanyakumari Industrial
Corridar Project, Chennai.

..... Respondents

Prayer in W.P.No.2938 of 2022: Petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the impugned notification as made in G.O.Ms.No.78, Highways and Minor Ports (HF1) Department, dated 22.06.2011 and the amendment brought in by means of G.O.Ms.No.99, Highways and Minor Ports (HF1) Department, dated 01.09.2014 as null and void and unenforceable as being unconstitutional and violative of Article 14 of the Constitution of India and consequently forbear the respondents from acquiring the lands of the petitioner comprised in S.Nos.95/10 to 95/15 measuring an extent of 7251 square meter in Melapakkam Village based on the notice issued by the Special District Revenue Officer/R3 dated 24.01.2020 followed by the Gazette Notification issued by the Commissioner of Land Administration/R2 as published in the Tamil Nadu Government Gazette Extraordinary No.138 – Part VI; Section 1 dated 26.02.2021 in respect of the above referred lands of the petitioner and to pass such further or other orders as this Court may deem fit and proper in the facts and circumstances of the case and thus render justice.



W.P.No.9232 of 2024 etc

W.P.No.3407 of 2022

V.D.Raja

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..... Petitioner

-Versus-

- 1.The State of Tamil Nadu
Rep. By the Secretary to Government
Highways and Minor Ports Department,
St.George Fort, Chennai – 600 009.
- 2.The Commissioner of Land Administration
Ezhilagam, Chepauk,
Chennai – 600 005.
- 3.The Project Director,
Chennai – Kanyakumari Industrial
Corridar Project, Chennai.

..... Respondents

Prayer in W.P.No.3407 of 2022 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration declaring the notification as made in G.O.Ms.No.65 Highways and Minor Ports (HF1) Department dated 29.04.2020 whereby delegating the power of the Government as provided in Sections 15(3) and 15(1) of the Tamil Nadu Highways Act on the Commissioner of Land Administration/R2 as unconstitutional, ultra vires, arbitrary and violative of Article 300-A of the Constitution of India and consequently forbear the respondents from acquiring the lands of the Petitioner comprised in S.Nos. 95/10 to 95/15 measuring an extent of 7251 square meter along with “well” in Melpakkam Village and to pass such or other orders as this Hon'ble Court deems fit and proper in the facts and circumstances of the case and thus render justice.



W.P.No.9232 of 2024 etc

W.P.No.20347 of 2023

V.D.Raja

..... Petitioner

-Versus-

- 1.The State of Tamil Nadu
Rep. By the Secretary to Government,
Highways and Minor Ports Department,
St.George Fort, Chennai – 600 009.
- 2.The Special District Revenue Officer (LA),
Tamil Nadu Roads Development Project II,
Chennai.
- 3.The Special District Revenue Officer (LA)
Chennai – Kanyakumari Industrial
Corridor Project, Arakonam Limit,
Arakonam, Ranipet District.
- 4.The Divisional Engineer (Highways),
Chennai – Kanyakumari Industrial
Corridor Project, Kanchipuram.

..... Respondents

Prayer in W.P.No.20347 of 2023 : Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the 1st respondent to dispose of the statutory representation of the petitioner dated 22.09.2021 within a specified time as fixed by this Court.

W.P.No.20618 of 2023

V.D.Raja

..... Petitioner

-Versus-

The Special District Revenue Officer (LAO)
Tamil Nadu Roads Development Project II,
Chennai.

..... Respondent



W.P.No.9232 of 2024 etc

Prayer in W.P.No.20618 of 2023: Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari calling for the records comprised in partial award No. No:15/2020-21 (Na.Ka.No:R4/129(3)/2019(SH-58) (2) on the file of the respondent dt:22.10.2021 and to quash the same pending disposal of the above writ petition and thus render justice.

W.P.No.9232 of 2024

V.D.Raja

.....Petitioner

-Versus-

- 1.The State of Tamil Nadu
Rep. By the Secretary to Government,
Highways and Minor Ports Department,
St.George Fort, Chennai – 600 009.
- 2.The Special District Revenue Officer (LA),
Tamil Nadu Roads Development Project II,
Chennai.
- 3.The Divisional Engineer (Highways),
Chennai – Kanyakumari Industrial
Corridar Project (CKICP),
Vandavasi.
- 4.The Assistant Divisional Engineer,
Chennai – Kanyakumari Industrial
Corridar Project (CKICP),
Arakonam Taluk, Ranipet District.
- 5.K.Lakshminathan, BE
Divisional Engineer (H),
Chennai – Kanyakumari Industrial
Corridar Project (CKICP),
Vandavasi.
- 6.Mukunthan
- 7.Selvi
- 8.Venkatesan



W.P.No.9232 of 2024 etc

9.Senthil Kumar

..... Respondents

Prayer in W.P.No.9232 of 2024: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing respondent nos 1 to 4 to restore possession of the petitioner in respect of 7251 sq mts along with portion of the irrigation well in S.No.95/10 to 95/15 in Melpakkam Village, Arakonam Taluk, Ranipet District which was illegally taken possession by the respondents 3 to 9 on 16.03.2024 without following the mandatory procedure prescribed in Sec.16/2 of Tamil Nadu Highways Act, 2001.

*For Petitioner(s) : Mr.V.Ayyadurai, Senior Advocate
for Mr.V.B.Perumal Raj for petitioner in all Writ Petition*

*For Respondent(s) : Mr.Mr.P.Wilson, Senior Advocate for Mr.A.Selvendran
Special Government Pleader for RR1 to 4 in W.P.No.9232 of 2024, for RR1 to 5 in W.P.No.2938 of 2022, and for sole respondent in W.P.Nos.20347,20618 of 2023, 26412 of 2021 & 3407 of 2022
No appearance for R5 to R9 in W.P.No.9232 of 2024*

COMMON ORDER

The petitioner is one of the co-parceners of the properties which are subject matter of land acquisition proceedings. The subject land was acquired for the purpose of formation of bye-pass in SH-58-II, Kanchipuram – Arakonam, Tiruttani Road at Kilometer 96/480 to 97/250

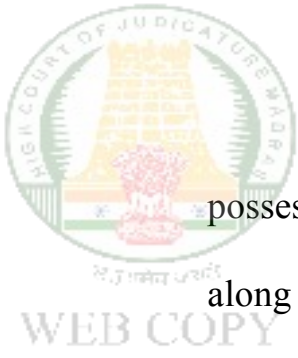


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under Chennai Kanyakumari Industrial Corridor Project for Highways.

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2. These writ petitions are filed (i) challenging the Notice issued under Section 15(2) of the the Tamil Nadu Highways Act, 2001; (ii) challenging the constitutionality of G.O.Ms.No.78, Highways and Minor Ports (HF1) Department dated 22.06.2011 and the amendment brought in by means of G.O.Ms.No.99, Highways and Minor Ports (HF1) Department dated 01.09.2014 delegating powers of the Government under Section 15(2) of the Tamil Nadu Highways Act to the District Revenue Officer of the District Concerned to exercise power of the Government vested in them under sub-section (2) of Section 15 of the Tamil Nadu Highways Act; (iii) challenging the Notice issued under Sections 15(3) and 15(1) of the Tamil Nadu Highways Act delegating powers to the Commissioner of Land Administration, Chennai to exercise powers of the Government vested in them under sub-sections (1) and (3) of section 15 of the Act (iv) seeking a writ in the nature of mandamus directing the 1st respondent to dispose of the representation of the petitioner dated 22.09.2021; (v) challenging the Partial Award dated 22.10.2021 passed by the respondent in ref. No.15/2020/21 [Na.Ka.No.R4/129(3)/2019 (SH-58)(2)]; and (vi) seeking a writ in the nature of mandamus directing the respondents 1 to 4 to restore



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possession of the petitioner in respect of 7251 square meters of land along with portion of the irrigation well in S.Nos.95/10 to 95/15 in Melpakkam Village, Arakonam Taluk, Ranipet District, which was illegally taken possession of by the respondents 3 to 9 on 16.03.2024 without following the mandatory procedure prescribed in Section 16 (2) of the Tamil Nadu Highways Act, 2001, respectively.

3. Heard both sides.

4. The learned senior counsel for the petitioner in all the writ petitions would submit that original owner of the acquired land viz., Dasarathan was not willing to receive the compensation, the same was deposited into the reference court. Now, the original owner is no more and he died on 18.05.2017, leaving behind his wife Vangapattu Muni Lakshmi and sons Dasarathan Raviprakash, Vangapattu D.Raja (petitioner herein), Vangapattu D.Ramesh, Dasarathan Baskaran and D.Suresh. According to the learned counsel the petitioner V.D.Raja has been managing the joint family properties as Kartha ever since the date of death of his father-Dhasarathan and all of them are living as Hindu Joint Family.

4. Mr.P.Wilson, the learned senior counsel appearing on behalf of Mr.A.Selvendran, Special Government Pleader, would submit that an



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extent of 69 square meter of land in S.No.95/14B2 has been exempted from the acquisition proceedings and a calculation has also been filed in this regard.

5. Mr.P.Wilson would further submit that as 69 square meter of land in S.No.95/14B2 out of total extent of 5150 square meter of land originally comprised in S.No.14/B, now sub divided as S.No.95/14B1, which was originally acquired, has been exempted from the acquisition proceedings, the authority is entitled to get refunded a sum of Rs.9,79,992/- towards the exempted land from out of the total amount of compensation of Rs.25,97,158/- for the total extent of 7251 square feet of land originally acquired from the amount deposited before the Reference Court / Principal District Court, Vellore, in L.A.O.P.No.190 of 2023 and the petitioner and other persons interested in the compensation amount are entitled to the remaining amount being compensation for their land actually acquired. On trifurcation of Vellore District Judiciary into Vellore, Ranipet and Tiruppattur, now, the case has been transferred from the file of the Principal District Court, Vellore, to the file of the Principal District Court, Ranipet, where new number has been assigned to the case as L.A.O.P.No.180 of 2024 and the same is pending for disposal before the Principal District Court, Ranipet.



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6. The learned senior counsel appearing for the petitioner in all the writ petitions had no objection for releasing a sum of Rs.9,79,922/- towards the land exempted from the land acquisition proceedings. The said statement is recorded. The sketch in respect of S.No.95, Melpakkam Village, Arakkonam Taluk, Ranipet District, filed by the Divisional Engineer (H), Chennai-Kanyakumari Industrial Corridor Project (CKICP), Vandavasi along with Assistant Divisional Engineer (H), CKICP, Arakkonam and Assistant Engineer, CKICP, Tiruttani; calculation sheet dated 23.04.2024 filed by the Special District Revenue Officer (LA), CKICP, Kancheepuram; and the proceedings of the Highways Department, CKICP, Vandavasi dated 22.04.2024 in Lr.No.28/CKICP/2024/SDO filed by Mr.P.Wilson, learned senior counsel are taken on file. The learned senior counsel for the petitioner would further submit, on instructions, that the petitioner does not want to pursue the challenge with regard to land acquisition proceedings and also the award any more.

7. Recording the submission made on either side, the writ petitions are disposed of in the following terms:-

- (i) the petitioner herein, his mother and 4



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brothers are entitled receive the balance sum of Rs.16,17,796/- from out of Rs.25,97,718/- towards compensation for the land acquired on proper application before the reference court as per law together with proportionate interest accrued, if any, in case the compensation amount is invested on interest bearing deposit, on proper application either jointly by all the persons interested in the amount or individually. (ii) On such application or applications, the learned Judge of the reference court concerned shall pass appropriate order for the release of the compensation amount to the parties interested in the amount.

(iii) the Special District Revenue Officer (LA), Chennai – Kanyakumari Industrial Corridor Project, Arakonam Limit, Arakonam, Ranipet District is entitled to get back a sum of Rs.9,979,922/- towards exempted land from out of total compensation of Rs.25,97,718/- on proper application before the reference court as per law



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together with proportionate interest accrued, if any.

(iii) The sketch filed by the Divisional Engineer (H), Chennai-Kanyakumari Industrial Corridor Project (CKICP), Vandavasi along with two other officers in respect of S.No.95, Melpakkam village, Arakkonam Taluk, Ranipet District; calculation sheet; and the proceedings of the Highways Department, CKICP, Vandavasi dated 22.04.2024 shall form part and parcel of this order.

There shall be no order as to costs.

Consequently, connected WMPs are closed.

25..04..2024

Index: Yes/No
Neutral Citation: Yes/No
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- To
- 1.The Secretary to Government, Highways and Minor Ports
Department, Government of Tamil Nadu,
St.George Fort, Chennai – 600 009.
 - 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai – 600 005.
 - 3.The Special District Revenue Officer (LA),
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Corridar Project, Kanchipuram.
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(Land Acquisition), Tamil Nadu Roads Development Plan-II,
Chennai.
 - 5.The Special District Revenue Officer
(Land Acquisition),
Chennai-Kanyakumari Industrial
Corridar Project, Arakonam Limite,
Arakonam, Ranipet District.
 - 6.The Chief Engineer (Construction & Maintenance),
Highways Department, Chennai.
 - 7.The Divisional Engineer (Highways),
Chennai-Kanyakumari Industrial
Corridar Project, Kanchipuram.



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W.P.No.9232 of 2024 etc

N.SATHISH KUMAR,J.

kmk

W.P.Nos.9232 of 2024, 26412 of 2021, 2938,
3407 of 2022, 20347 & 20618 of 2023

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