



W.P.(MD).No.463 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.434 of 2024

and

W.M.P(MD)Nos. 463 and 466 of 2024

1.Regina Delsy
2.Devadasan

... Petitioners

vs.

1.The Principal Secretary to Government,
Highways and Minor Ports Department,
Chennai – 600 009.

2.The District Collector,
Tirunelveli District,
Tirunelveli.

3.The Land Acquisition Officer and
Special District Revenue Officer,
Tamil Nadu Road Sector Project – II,
Tiruchirappalli.

4.The Special Tahsildar (Land Acquisition),
Tamil Nadu Road Sector Project-II,
Tirunelveli.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records pertaining to the impugned notification issued by the Highways Minor Ports Department in G.O. (D)No.178 Highways and Minor Ports (NH-2) 10th August 2015 Aadi 25 Manmatha Thiruvalluvar Aandu 2046 notified the petitioner's land in Survey



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No.622B/1 of Thisayanvilai Village, Thisayanvilai Taluk(previously Radhapuram Taluk), Tirunelveli District and quash the same insofar as the notification in respect of Survey No.622-B1 and the consequential impugned award passed by the third respondent dated 24.04.2017 in Roc.No. 100/2015/A1(SH-89/Addl.Dry) Award No.66/2017.

For Petitioners : Mr.V.Sasi Kumar

For Respondents : Mr.D.Gandhi Raj,
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioners to quash the impugned notification issued by the Highways Minor Ports Department in G.O.(D)No.178 Highways and Minor Ports (NH-2) 10th August 2015 Aadi 25 Manmatha Thiruvalluvar Aandu 2046 notifying the petitioners' land in Survey No.622B/1 of Thisayanvilai Village, Thisayanvilai Taluk (previously Radhapuram Taluk), Tirunelveli District, insofar as the notification in respect of Survey No.622-B1 and the consequential impugned award passed by the third respondent dated 24.04.2017 in Roc.No.100/2015/A1(SH-89/Addl.Dry) Award No.66/2017.

2. The case of the petitioners is that the first petitioner purchased the property comprised in Survey No.622B/1, measuring to an extent of 23 cents of



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Thisayanvilai Village, Thisayanvilai Taluk(previously Radhapuram Taluk), Tirunelveli District, on 16.05.2013 vide registered Document No.1729 /2013 on the file of the Sub-Registrar, Thisayanvilai. Likewise, on the same day, the second petitioner purchased the property in the very same place in Survey No.622B/1 vide Document No.1728/2013. Subsequently, on 30.09.2022, the petitioners received a notice from the fourth respondent calling for them to appear for enquiry to receive compensation for the land acquired in Survey No.622/1 measuring to an extent of 315 sq. mt. Thereafter, the petitioners came to know that their lands were acquired without issuing notice to them before acquisition. The petitioners appeared for the enquiry before the fourth respondent and informed that no notice was served on them before acquiring the land. However, without considering the grievance of the petitioners, the first respondent has issued the impugned notification. Subsequently, the third respondent has also passed an award, awarding lesser compensation. Aggrieved by the same, the petitioners have also sent a representation to the respondents 2 to 4, to redress the grievance of the petitioners. However, no steps have been taken till date. Hence, the petitioners have filed this writ petition with the aforesaid prayer.

3. The third respondent has filed a counter affidavit stating that the



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Government of Tamil Nadu vide G.O.(D)No.112 Highways and Minor Ports (NH-2) Department, dated 19.09.2014, accorded administrative sanction for the acquisition of land comprised in 12 villages in Tirunelveli District including Thisaiyanvillage Village, for upgrading the Nanguneri to Uvari State Highway Road(SH89) in Nanguneri and Radhapuram Taluks (presently Thisaiyanvilai Taluk) of Tirunelveli District. In this regard, notification has been issued and the same was published in two Dailies on 23.04.2015 calling for objections from the land owners within 30 days from the date of publication of the notification. The said notification was approved by the Government vide G.O(D).No.178, Highways and Minor Ports(NH2) Department, dated 10.08.2015, for acquisition of the lands in Survey No.622B-1 to an extent of 543 sq. mts. Subsequently, notice under Section 19(5) of the Tamil Nadu Highways Act, 2001, was issued on 24.03.2017, fixing the award enquiry on 06.04.2017. Thereafter, based on the documents produced by the land owners, award was passed by the Land Acquisition Officer/Special District Revenue Officer,Tamil Nadu Road Sector Project II, Tiruchirappalli, vide proceedings dated 24.04.2017(Award No.66 /2017). As far as the petitioners are concerned, they have not appeared for the enquiry. Hence, award was passed and the compensation amount of Rs.1,48,323/- was kept in the bank account of the Land Acquisition Officer.



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4. It is further stated in the counter affidavit that after acquisition of land, the same was handed over to the Department and upgradation of Nanguneri to Uvari State Highway Road was completed in the year 2018 itself and now, the road is being utilised for public purpose. At this stage, the petitioners have filed this writ petition, challenging the acquisition proceedings.

5. This Court heard the submissions made on either side and perused the materials placed before this Court.

6. The petitioners purchased the property in the year 2013 and the acquisition process started in the year 2014. Notification also published in Tamil and English Dailies. Thereafter, enquiry notice was also issued to the petitioners calling them to appear for enquiry. However, it is seen that the petitioners did not appear for enquiry and hence, award was passed. The compensation awarded to the petitioners was also deposited in a bank account. Subsequently, the acquired land was handed over to the Department and the road work was also completed and the same is being utilised for public purpose from 2018.



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7. In such circumstances, this Court is of the view that the prayer sought for by the petitioner cannot be granted. If the petitioners are aggrieved by the compensation awarded, it is for them to approach the competent forum seeking for enhancement of compensation.

8. In view of the foregoing, this writ petition is dismissed.
No Costs. Consequently, connected miscellaneous petitions are closed.

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Index:Yes/No

NCC:Yes/No

PM

To

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Tirunelveli District, Tirunelveli.
- 3.The Land Acquisition Officer and
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- 4.The Special Tahsildar (Land Acquisition),
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V.BHAVANI SUBBAROYAN,J.

PM

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