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W.A.(MD)Nos.1242 to 1244, 377 & 378 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2024

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A.(MD)Nos.1242 to 1244, 377 & 378 of 2016 &
C.M.P.(MD)Nos.2409 to 2411, 8402 & 8404 of 2016

W.A.(MD)Nos.1242 to 1244 of 2016

Ranjithakani

...Appellant

vs.

1.State Rep. by Secretary to Government,
Highways Department,
Fort St.George, Chennai - 600 009.

2.Chief Engineer,
(Constructions and Maintenance),
Highways Department,
Chepauk, Chennai - 600 005.

3.District Revenue Officer,
Office of the District Collector,
Thoothukudi - 628 101.

... Respondents

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent Act
praying to allow this appeal by setting aside the orders dated 30.10.2015
in W.P.Nos.11236 to 11238 of 2014 and quash the show cause notice



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issued by the third respondent in Na.Ka.E2/9068/2013 dated 28.02.2014
under Section 15(2) of the Tamil Nadu Highway Act, 2001.

For Appellants : Mr.T.Lajapathi Roy,
Senior Counsel
for Mr.K.Asok Kumar Ram

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.D.Sachikumar
Additional Government Pleader

W.A.(MD)No.377 of 2016

Era.Soundra Pandian ...Appellant
vs.

1.District Revenue Officer,
Office of the District Collector,
Thoothukudi - 628 101.

2.T.Balasubramaniya Adithan ...Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act praying to allow this appeal by setting aside the orders dated 30.10.2015 in W.P.No.9310 of 2014 and quash the show cause notice issued by the first respondent in Na.Ka.D/39193/2012 dated 21.06.2012.

For Appellant : Mr.T.Lajapathi Roy,
Senior Counsel
for Mr.K.Asok Kumar Ram



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For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.D.Sachikumar
Additional Government Pleader
for R1

W.A.(MD)No.378 of 2016

Era.Soundra Pandian ...Appellant
vs.

District Revenue Officer,
Office of the District Collector,
Thoothukudi - 628 101. ...Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act praying to allow this appeal by setting aside the orders dated 30.10.2015 in W.P.No.9309 of 2014 and quash the show cause notice issued by the respondent in Na.Ka.E2/9068/2013 dated 28.02.2014 under Section 15(2) of the Tamil Nadu Highway Act, 2001 respectively.

For Appellant : Mr.T.Lajapathi Roy,
Senior Counsel
for Mr.K.Asok Kumar Ram

For Respondent : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.D.Sachikumar
Additional Government Pleader



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COMMON JUDGEMENT

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(Judgment of the Court was delivered by P.VELMURUGAN, J.)

The appellants have challenged the notifications issued by the District Revenue Officer, Thoothukudi in Na.Ka.E2/9068/2013 dated 28.02.2014 and Na.Ka.D/39193/2012 dated 21.06.2012 by way of filing writ petitions before this Court. The learned Single Judge, after hearing both sides, by order dated 30.10.2015 in W.P(MD)Nos.7413 of 2012, 9309, 9310, 11236 to 11238 of 2014, dismissed all the writ petitions except W.P.(MD)No.9310 of 2014, wherein, a direction was to given to the petitioner therein to work out his remedy before the Civil Court. Challenging the orders passed in W.P(MD)Nos.9309, 9310, 11236 to 11238 of 2014 the present appeals are filed

2. As far as the writ appeals in W.A.(MD)Nos.1242 to 1244 & 378 of 2016 are concerned, the learned senior counsel appearing for the appellants would submit that the Government has dropped the Scheme itself. Therefore, he invite this Court to pass orders in the light of the dictum laid down by the Hon'ble Supreme Court in the case of G.Mohan



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Rao and others vs. State of Tamil Nadu and others reported in (2022) 12 SCC 696.

3. The learned Additional Advocate General appearing for the official respondents would also submit that for the time being, the Project has been dropped and there is no fresh proposal regarding the same.

4. It is submitted by both side counsel that the Project itself has been dropped and in case, if the same Project would be implemented in future, the Government has to follow the dictum laid down by the Hon'ble Supreme Court in the case of G.Mohan Rao and others vs. State of Tamil Nadu and others reported in (2022) 12 SCC 696.

5. In view of the same, the writ appeals in W.A.(MD)Nos. 1242 to 1244 & 378 of 2016 are disposed of.

6. As far as the writ appeal in W.A.(MD)No.377 of 2016 is concerned, the learned Senior Counsel for the appellant would submit



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that at the time of passing the order in the writ petition, Mr.B.Sivanthi Adithan was alive and therefore, the observation made by the learned Single Judge is not correct.

7. However, the Project has already been dropped by the Government and if the Government wants to acquire the properties in future, proper notice has to be served to Soundra Pandian.

8. With the above observation, the writ appeal in W.A.(MD)No. 377 of 2016 also stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

(P.V., J.) (K.K.R.K., J.)
21.10.2024

NCC:Yes/No
Index:Yes/No
Speaking/Non-speaking order

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To

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- 1.The Secretary to Government,
Highways Department,
Fort St.George, Chennai - 600 009.
- 2.The Chief Engineer,
(Constructions and Maintenance),
Highways Department,
Chepauk, Chennai - 600 005.
- 3.The District Revenue Officer,
Office of the District Collector,
Thoothukudi - 628 101.



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P.VELMURUGAN, J.
and
K.K.RAMAKRISHNAN, J.

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