



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

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CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.3894 of 2025
and WMP No.4313 of 2025

K.Murugavenkatesh

.... Petitioner

-Vs-

1.The District Collector
Salem District
Salem.

2.The Special District Revenue Officer
Highways
Salem District.

3.The Special District Revenue Officer
Highways
Chennai-Kanyakumari Industrial Corridor Project
No.74, Vijaya Ragavan Street
Jagir Ammapalayam
Salem 636 302.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Declaration declaring that the land acquisition proceeding initiated by the 2nd respondent for the purpose of forming sankari bye-pass road under the Tamil Nadu Highways Act, 2001 pertaining to the petitioner's land situate in Kasturipatty Village, Sankari Taluk, Salem District comprised in S.No.148/2A



measuring an extent of 87 square meters as null and void due to non-issuance of any notification under section 15(2) and declaration under section 15 (1) of the Tamil Nadu Highways Act 2001 by considering the petitioner's representation dated 21.12.2024.

For Petitioner : Mr.S.Senthil

For Respondents : Mr.M.Suresh Kumar
Additional Advocate General
Asst. by:
Mr.A.Selvendran
Special Government Pleader

ORDER

This writ petition has been filed for a declaration to declare the acquisition proceedings initiated by the 2nd respondent for the purpose of forming Sankari Bypass Road under the Tamil Nadu Highways Act, 2001 Pertaining to the petitioner's land, as null and void due to non-issuance of the notification under Section 15(2) and the Declaration under Section 15(1) of the Tamil Nadu Highways Act 2001.

2.When the writ petition came up for hearing on 05.03.2025, this Court passed the following order:

This writ petition has been filed to declare the land acquisition proceedings initiated by the 2nd respondent under the Tamil Nadu Highways Act, 2001 as illegal.



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2.The main ground that was urged by the learned counsel for the petitioner is that the original object for acquisition of lands as per G.O.Ms.No.28 dated 06.03.2018 is that the lands which are acquired are going to be used for laying a bye-pass road under Chennai-Kanyakumari Industrial Corridor Project in Omalur-Sankari-Tiruchengode-Paramathi Road stretch. A notification under Section 15(2) was also issued and published and the petitioner gave his objections on 11.07.2024. The enquiry under Section 15(3) of the Act was also conducted on 09.08.2024. However, when the award proceedings were commenced, the respondents had completely given up the original purpose for which lands was acquired and they have now come up with a new object namely for expansion of the Highways from Omalur-Sankari-Tiruchengode-Paramathi. The counter affidavit filed by the 1st and 2nd respondents also shows that the original Chennai-Kanyakumari Industrial Corridor Project, Salem has been disbanded on 30.09.2024 and the records were handed over to the Special District Revenue Officer (LA) Highways, Salem and he is continuing further under Section 19(2) calling upon the petitioner to participate in the award proceedings. Thus, the respondents are justifying the subsequent change in the purpose of acquisition by stating that for either of the objective, the lands belonging to the petitioner is required and that the



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objections given by the petitioner was considered and rejected and the award proceedings are continued.

3.The learned Additional Government Pleader seeks for sometime to take instructions in this regard and to produce the relevant documents.

4.Post this writ petition under the caption 'for orders' on 17.03.2025. The interim order already granted by this Court shall stand extended till 17.03.2025.

3.The matter was once again listed for hearing on 17.03.2025 and the following order was passed by this Court:

When the matter was taken up for hearing today, learned Special Government Pleader produced the written instructions received from the second respondent. This written instructions was given based on the earlier order passed by this Court on 05.03.2025.

2. On going through the written instructions, it is seen that originally notification was issued under Section 15(2) of the Tamil Nadu Highways Act for laying a bye-pass road under the Chennai Kanniyakumari Industrial Corridor Project. The petitioner had given objection on 11.07.2024 and ultimately, an enquiry was conducted under Section 15(3) of the Tamil Nadu Highways Act on 09.08.2024. The objections



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were rejected and order was passed on 09.10.2024 and the same was also served on the petitioner on 03.01.2025.

3. Subsequently, yet another notification was issued and this pertained to the expansion of the Highways from Omalur-SankariTiruchengode-Paramathi and this was published in the Gazette on 15.10.2024. Subsequently, notice under Section 19(2) of the Tamil Nadu Highways Act was served on the petitioner and he was asked to attend enquiry.

4. The above instructions received from the second respondent is not very clear. Hence, there shall be a direction to the second respondent to produce the entire original records before this Court for proper understanding of this case.

Post this writ petition under the same caption on 24.03.2025.

4. When the matter was taken up for hearing today, the relevant records were placed before this Court and the learned Additional Advocate General appearing on behalf of the respondents submitted that the expression that was used at the time of issuing notice for the award enquiry as if the acquisition is for expansion of road, cannot in any way defeat the main object of the acquisition which is only for the Chennai Kanniyakumari Industrial Corridor Project. The learned Additional Advocate General by pointing out to the sketch that was produced before this Court submitted that in the course of laying the road, in certain junctions which is a curve, the property



that is acquired is also used for expansion of the road. In the case of the petitioner, such an expansion was contemplated considering the location of the lands belonging to the petitioner. The learned Additional Advocate General submitted that just because the portion of land belonging to the petitioner is being used for the expansion of the road which forms part of the main object of laying the bye-pass road under the Chennai Kanniyakumari Industrial Corridor Project, that does not in any way detract the main objective of the acquisition proceedings. In short, it was contended that the nomenclature that was used in the award proceedings cannot lead to the interference of the main acquisition proceedings itself since such nomenclature is in line with the main purpose of laying the bye-pass road under the project.

5.The learned counsel for the petitioner in reply to the above submission, contended that the respondents all of a sudden during the award proceedings have come up with a different objective for the acquisition of land which is impressible. The learned counsel also relied upon the objections submitted by the petitioner initially and submitted that if the land is acquired for expansion, the very determination of compensation will be done differently and it will be to the prejudice of the petitioner.

6.In the considered view of this Court, the acquisition proceedings till date is moving towards laying a bye-pass road under Chennai Kanniyakumari Industrial



Corridor Project. This object of the acquisition continues. In certain spots, it also involves expansion considering the location of the land. Insofar as the lands belonging to the petitioner, such expansion is required and this expansion is done as a part of the acquisition proceedings whose main objective is for laying a bye-pass road under the Chennai Kanniyakumari Industrial Corridor Project. Therefore, when such language is used in the award notice that was issued to the petitioner, that will not in any way vitiate the publication that was made under Section 15(2) of the Tamil Nadu Highways Act and the subsequent declaration made under Section 15(1) of the Act. One of the apprehension of the petitioner is that if the acquisition is for expansion of the road, the petitioner will get a lesser compensation.

7.The learned Additional Advocate General on oral instructions received from the officials clarified that while fixing the compensation for the lands acquired from the petitioner, the compensation will be fixed by taking note of the fact that such acquisition is made only for the purpose of laying bye-pass road under the Chennai Kanniyakumari Industrial Corridor Project. This assurance given on the side of the respondents will sufficiently take care of the grievance of the petitioner.

8.In the light of the above discussion, this Court does not find any ground to grant the relief as sought for by the petitioner and the clarification given by the



respondents insofar as fixation of the compensation is recorded and this writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
NCS : Yes/No
KP



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N.ANAND VENKATESH, J.

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