



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 25.11.2024

Delivered on 21.03.2025

CORAM

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE P.DHANABAL

**WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and
WP.No.29531/2019 & CMP.Nos.12985/2018, 13086/2018, 13448/2018,
13652/2018, 13813/2018 & WMP.No.29400/2019**

WP.No.29531/2019:-

O.Elia Reddy

... Petitioner

Versus

1.The Government of Tamil Nadu
rep.by its Secretary
Highways and Smaller Ports Department
Fort St George, Chennai-9.

2.The District Revenue Officer
Land Acquisition,
Outer Ring Road Project,
CMDA, Koyambedu,
Chennai-92.

3.The Special Tahsildar [LA]



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

Chennai Outer Ring Road Project
Tambaram [Location] Poonamallee
Near Government High School.

4. The Tamil Nadu Road Development Company
Limited rep. by its Managing Director,
No.171, 2nd Floor, Tamil Nadu Maritime Board
Building, South Kesavaperumal Puram
Pasumpon Muthuramalingam Road
Raja Annamalai Puram, Chennai 600 028.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to demolish and remove the Outer Ring Road [ORR] Chennai Arm Ramp constructed in front of the petitioner's buildings situated in survey Nos.194/1B1, 194/B2, 194/B3pt and 194/2B of No.2, Vandalur Village, Chenglepet Taluk, Kanchipuram District by the respondents and to restore the said site to its original position and to compensate the petitioner for the sufferings they were forced to undergo because of the said construction of the said ramp blocking entrance to their buildings.

For Petitioner	: Mr.N.Subramaniayan
For RR 1 to 3	: Mr.A.Selvendran, Spl.GP
For R4	: Mr.P.S.Raman, Advocate General assisted by Mr.M.Sivavarthan

WA.No.1613/2018:-



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

The Tamil Nadu Road Development Company
Limited rep.by its Managing Director,
No.171, 2nd Floor, Tamil Nadu Maritime Board
Building, South Kesavaperumal Puram
Pasumpon Muthuramalingam Road
Raja Annamalai Puram, Chennai 600 028.

... Appellant

Vs.

1.M.Chinnasamy

2.The Government of Tamil Nadu
rep.by its Secretary
Highways and Smaller Ports Department
Fort St George, Chennai-9.

3.The District Revenue Officer
Land Acquisition,
Outer Ring Road Project,
CMDA, Koyambedu,
Chennai-92.

4.The Special Tahsildar [LA]
Chennai Outer Ring Road Project
Tambaram [Location] Poonamallee
Near Government High School.

... Respondents

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the
order dated 28.03.2018 made in WP.No.27822/2014.

For Appellant : Mr.P.S.Raman, Advocate General
assisted by Mr.M.Sivavarthanan



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

For Respondents : Mr.V.Raghavachari, Senior counsel
for Mr.D.Sai Kumaran for R1
Mr.A.Selvendran for RR2 to 4

WA.No.1622/2018:-

The Tamil Nadu Road Development Company
Limited rep.by its Managing Director,
No.171, 2nd Floor, Tamil Nadu Maritime Board
Building, South Kesavaperumal Puram
Pasumpon Muthuramalingam Road
Raja Annamalai Puram, Chennai 600 028.

... Appellant

Vs.

1.M/s.Sudharsan Charitable Trust
rep.by President Mr.O.Elia Reddy
Shalom HS School Premises
GST Road, Vandalur
Chennai 600 048.

... 1st Respondent / Writ
Petitioner

2.The Government of Tamil Nadu
rep.by its Secretary
Highways and Smaller Ports Department
Fort St George, Chennai-9.

3.The District Revenue Officer
Land Acquisition, Outer Ring Road Project,
CMDA, Koyambedu, Chennai-92.

4.The Special Tahsildar [LA]
Chennai Outer Ring Road Project
Tambaram [Location] Poonamallee



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY Near Government High School.

... Respondents
2 to 4

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the order dated 28.03.2018 made in WP.No.33576/2013.

For Appellant	: Mr.P.S.Raman, Advocate General assisted by Mr.M.Sivavarthan
For Respondents	: Mr.N.Subramanian for R1 Mr.A.Selvendran for RR2 to 4

WA.No.1674/2018:-

1.The Government of Tamil Nadu
rep.by its Secretary
Highways and Smaller Ports Department
Fort St George, Chennai-9.

2.The District Revenue Officer
Land Acquisition,
Outer Ring Road Project,
CMDA, Koyambedu,
Chennai-92.

3.The Special Tahsildar [LA]
Chennai Outer Ring Road Project
Tambaram [Location] Poonamallee
Near Government High School.

... Appellants

****R3 impleaded as per order dated 03.11.2014
in MP.No.1/2014.**

Versus



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

1.M/s.Sudharsan Charitable Trust
rep.by President Mr.O.Elia Reddy
Shalom HS School Premises
GST Road, Vandalur
Chennai 600 048.

... 1st Respondent / Writ
Petitioner

2.The Tamil Nadu Road Development Company
Limited rep.by its Managing Director,
No.171, 2nd Floor, Tamil Nadu Maritime Board
Building, South Kesavaperumal Puram
Pasumpon Muthuramalingam Road
Raja Annamalai Puram, Chennai 600 028.

.... 2nd Respondent

****Impleaded vide order dated 18.01.2016
made in MP.No.3/2014.**

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent against the
order dated 28.03.2018 made in WP.No.33576/2013.

For Appellants	: Mr.A.Selvendran, Spl.GP
For R1	: Mr.N.Subramaniayan
For R2	: Mr.P.S.Raman, Advocate General assisted by Mr.M.Sivavarthanan

WA.No.1675/2018:-

M.Chinnasamy

... Appellant

Versus



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

- 1.The Government of Tamil Nadu
rep.by its Secretary
Highways and Smaller Ports Department
Fort St George, Chennai-9.
 - 2.The District Revenue Officer
Land Acquisition,
Outer Ring Road Project,
CMDA, Koyambedu,
Chennai-92.
 - 3.The Special Tahsildar [LA]
Chennai Outer Ring Road Project
Tambaram [Location] Poonamallee
Near Government High School.
 - 4.The Tamil Nadu Road Development Company
Limited rep.by its Managing Director,
No.171, 2nd Floor, Tamil Nadu Maritime Board
Building, South Kesavaperumal Puram
Pasumpon Muthuramalingam Road
Raja Annamalai Puram, Chennai 600 028.
- ... Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent against the order dated 28.03.2018 made in WP.No.27822/2014.

For Appellant	: Mr.N.Subramanian
For RR1 to 3	: Mr.A.Selvendran, Spl.GP
For R4	: Mr.P.S.Raman, Advocate General assisted by Mr.M.Sivavarthan



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

WA.No.1709/2018:-

M/s.Sudharsan Charitable Trust
rep.by President Mr.O.Elia Reddy
Shalom HS School Premises
GST Road, Vandalur
Chennai 600 048.

... Appellant

Versus

1.The Government of Tamil Nadu
rep.by its Secretary
Highways and Smaller Ports Department
Fort St George, Chennai-9.

2.The District Revenue Officer
Land Acquisition,
Outer Ring Road Project,
CMDA, Koyambedu,
Chennai-92.

3.The Special Tahsildar [LA]
Chennai Outer Ring Road Project
Tambaram [Location] Poonamallee
Near Government High School.

4.The Tamil Nadu Road Development Company
Limited rep.by its Managing Director,
No.171, 2nd Floor, Tamil Nadu Maritime Board
Building, South Kesavaperumal Puram
Pasumpon Muthuramalingam Road
Raja Annamalai Puram, Chennai 600 028.

... Respondents



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent against the order dated 28.03.2018 made in WP.No.33576/2013.

For Appellant	: Mr.N.Subramanian
For RR1 to 3	: Mr.A.Selvendran, Spl.GP
For R24	: Mr.P.S.Raman, Advocate General assisted by Mr.M.Sivavarthan

WA.No.1730/2018:-

1.The Government of Tamil Nadu
rep.by its Secretary
Highways and Smaller Ports Department
Fort St George, Chennai-9.

2.The District Revenue Officer
Land Acquisition,
Outer Ring Road Project,
CMDA, Koyambedu,
Chennai-92.

3.The Special Tahsildar [LA]
Chennai Outer Ring Road Project
Tambaram [Location] Poonamallee
Near Government High School

... Appellants

Vs.

1.M.Chinnasamy



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

2.The Tamil Nadu Road Development Company
Limited rep.by its Managing Director,
No.171, 2nd Floor, Tamil Nadu Maritime Board
Building, South Kesavaperumal Puram
Pasumpon Muthuramalingam Road
Raja Annamalai Puram, Chennai 600 028.

... Respondents

****R2 impleaded vide order dated 18.01.2016
in MP.No.3/2014 in WP.No.27822/2014**

Prayer : Writ Appeal filed under Clause 15 of Letters Patent against the
order dated 28.03.2018 made in WP.No.27822/2014.

For Appellants : Mr.A.Selvendran, Spl.GP

For R2 : Mr.P.S.Raman, Advocate General
assisted by Mr.M.Sivavarthan

COMMON JUDGMENT

S.S.SUNDAR, J.,

(1)All the three set of above writ appeals are preferred by the respective writ
petitioners, the State Government and the Tamil Nadu Road Development
Company Limited, against the common order of the learned Single Judge



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY dated 28.03.2018 made in WP.Nos.33576/2013 and 27822/2012.

- (2) Writ petition in WP.No.33576/2013 is filed by a public Trust namely, M/s.Sudarsan Charitable Trust which is running a school under the name 'SHALOM SCHOOL' on the western side of GST Road near Vandalur. The Trust also filed an appeal in WA.No.1709/2018 aggrieved by a portion of common order while issuing further directions.
- (3) Similarly, writ petition in WP.No.27822/2014 is filed by an individual. The petitioner is owner of an extent of 30 cents. In WP.No.27822/2014, the land acquisition proceedings initiated by the State Highways Department to acquire the land under Section 15[1] of Tamil Nadu State Highways Act, 2001, [hereinafter referred to as 'the Act, 2001'] is challenged. In WP.No.33576/2013, the Preliminary Notification under Section 15[2] of Tamil Nadu Highways Act is challenged. An extent of about 1000 sq.ft. belongs to the Trust and the Managing Trustee, is the subject matter of acquisition.
- (4) In WP.No.33576/2013, the petitioner has stated that the petitioner Trust started a school in the year 1986 which had grown to a full-fledged



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY Higher Secondary School with more than 1200 students as on date. The acquisition proceedings insofar as it relates to the petitioners in both the writ petitions are challenged particularly on the following grounds:-

- a) The impugned Government Order is contrary to the provision under Section 15[2] of the Act, 2001.
- b) The 1st respondent has no authority under the Act to delegate its power to the 2nd respondent to acquire lands for ORR project invoking Section 15 of the Act.
- c) The Highways Act cannot be invoked to acquire lands for ORR project of CMDA which is not a highway as defined under the Act.
- d) Impugned Government Order had been obtained by misrepresentation as if the lands sought to be acquired are vacant lands contrary to the facts and suppressing the existence of several buildings.
- e) Selection of the lands on the western side of the road is inappropriate.



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

- f) The preliminary notice issued do not disclose the actual extent of property from the holding of the petitioner and the Notification is as vague as it could be, thereby preventing the petitioner from making an effective representation objecting to the acquisition proceedings. The authorities, despite demand, failed to furnish the Project Report so as to enable the petitioner to have technical and legal consultation.
- g) Even without the Project Report being prepared, acquisition proceedings have been initiated. Substantial portions of the land belonged to the petitioner Trust, were earlier acquired for widening GST road and it is illegal for the State authorities to indulge in acquisition of further lands on the western side of NH-45.
- h) The petitioner's lands are located about 85 feet away from the central median of NH-45 on the western side. Even though the width of the road on the western side is only 38 feet and Government vacant lands are available on the eastern side, the



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

land acquisition was initiated to acquire the lands on the western side.

- i) When there is no vacant land available on the western side and the land abutting GST road on the western side are covered by pucca buildings which are in existence for decades, the acquisition of more valuable lands with buildings shows lack of bona fides and wisdom in the selection of lands.
- j) When the petitioner approached the authorities to furnish copies of the details of project and the Feasibility Report, the petitioner was not furnished with the copies of the Project Report or the Feasibility Report as there was none in existence at the time when the Notification was issued under the Act, 2001, to acquire the land.
- k) The enquiry was not conducted in a manner which is required to be done as per the provisions of the Act, 2001. The officials have conducted enquiry as a mere formality without an inclination to consider the objections of the land owners which



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

is the object and purpose of enquiry.

- 1) The entire acquisition is nothing but a colourable exercise of power.

(5) Almost identical grounds are raised in both writ petitions. The petitioner in WP.No.27822/2014 is the owner of an extent of 30 cents of land in S.No.238/7B and 238B/7/A in Vandalur Village, Chengalpattu Taluk. The petitioner has leased out the lands to M/s.Bharat Petroleum Corporation Limited and petitioner's niece by name Ms.Jeeva is running the petrol bunk in the name and style of "M/s. Balasubramanian Auto Diesel Centre". Since a portion of around 4000 sq.ft. on the front side of the property is sought to be acquired, the petitioner in WP.No.27822/2014 pleaded several irregularities. Following some additional grounds are raised in WP.No.27822/2014:-

- i. The acquisition under the State Act is illegal after the introduction of Central Act, namely, Act 30 of 2013. The State Highways Act contemplates acquisition of land for formation of new roads adjoining the State Highways and acquisition of land



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

in the absence of an existing road is not permissible under Section 15 of the Act, 2001.

- ii. After the introduction of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Act 30/2013], the proceedings initiated under the Act, 2001, becomes void.
- iii. When the project being not sanctioned by the Chief Engineer of Highways Department, the whole acquisition is arbitrary and illegal and hence, void. The deviation from the original acquisition proposal without properly taking note of the requirement renders acquisition arbitrary and mala fides.
- iv. The existence of petrol bunk in the petitioner's land is required in the larger public interest as the petrol bunk in the petitioner's land benefits lakhs of general public.
- v. Since the acquisition is at the instance of CMDA, the acquisition ought to have been under the Land Acquisition Central Act and not under the Act, 2001.



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

vi. The impugned notice describing the property improperly without disclosing relevant particulars to identify the land is violative of principles of natural justice as the land owners were deprived of their valuable opportunity to submit their objections effectively. The impugned land acquisition proceedings without furnishing a copy of the project details to the land owners, vitiates the whole proceedings.

(6)A detailed counter affidavit is filed by the respondents in the writ petitions *inter alia* pointing out the object and purpose of acquisition and how every portion of the land is required for the project. It is stated that not an inch of land is acquired without actual requirement for implementing the project. In the counter affidavit it is broadly stated that the Government of Tamil Nadu decided to form an Outer Ring Road [ORR] joining southern, western and northern parts of Chennai for a length of 60.15 Kms. The road was being constructed in two phases around the Chennai Metropolitan area. The first phase of the project is for a length of 29.65 Kms from Vandalur village in Kanchipuram District to



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

Nemilicherry village in Tiruvallur District, crossing NH-45 at Vandalur village in Kanchipuram District, NH-4 at Poonamallee and NH-205 at Nemilicherry village in Tiruvallur District. The second phase of the project is for a length of 30.5 Kms from Tirunindravur to Minjur village in Tiruvallur District involving acquisition of lands in 28 villages. The Government accorded administrative sanction for acquisition of 1,27,185.91 sq.m of patta lands and for transfer of Government lands measuring an extent of 10,634.57 sq.m. The acquisition which is the subject matter of the writ petitions is for the provision of project facilities such as construction of interchanges, bus bays, truck lay bays, wayside amenities, major and minor junction improvements etc. Originally, the lands for ORR was acquired under the provisions of Land Acquisition Act, 1894. The State Government issued orders to acquire additional lands under the provisions of the Act, 2001. The land belonged to the petitioners is acquired for the construction of interchanges at NH-45 under the Act, 2001. It is contended by the respondents that necessary technical sanction had already been obtained from the competent authorities of



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY Highways Department for the formation of ORR. The additional lands

including the lands of the petitioners were acquired only for the project facilities to the Chennai ORR. It is specifically stated that the acquisition of land belonged to the writ petitioners is absolutely necessary for *bona fide* public purpose and it is feasible to complete the whole project viable and successful only with the acquisition of additional lands for the provision of project facilities to the Chennai ORR. By the time when the writ petitions were filed, the formation of ORR was almost complete. The balance work which was pending relates to provision of project facilities. Therefore, the writ petitions were seriously contested by the respondents specifically disputing the averments relating to irregularities alleged in the writ petitions.

(7)The learned Single Judge though recorded several irregularities in the acquisition proceedings, disposed of the writ petitions in the following lines:-

"In the light of the foregoing discussion, the Writ Petitions are disposed of, by holding that although the impugned proceedings are vitiated for the reasons



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

mentioned, considering the fact that 95% of the project work is already over and that the project is ultimately going to serve a greater public cause by easing the routine traffic congestions experienced day-to-day on the National Highways at Vandalur, the State is granted liberty to proceed further in accordance with law, subject to the condition that the State shall take initiatives for fixing/paying suitable compensation through private negotiations (in terms of G.O.Ms.No.281, Revenue & Disaster Management Department, Land Administration Wing, LA-I (1) Section, dated 07.09.2017, or the latest G.O. on the point) and such exercise shall be completed preferably within four months from the date of receipt of a copy of this order, else, it is made clear that the entire acquisition proceedings shall stand quashed. For the reasons recorded supra, this Court is constrained to impose a cost of Rs.25,000/- to be 'personally' payable by the then District Collector, Kanchipuram, to the Mediation and Conciliation Centre, Madras High Court, Chennai. Regarding the assistance rendered by Mr.V.Ayyathurai, learned Senior Counsel, if any bill is presented by him, the State shall honour the same.



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

Connected Miscellaneous Petitions stand closed. "

(8)The 4th respondent in both the writ petitions, namely, the Tamil Nadu Road Development Company Limited filed WA.No.1613/2018 as against the order in WP.No.27822/2014 and WA.No.1622/2018 as against the order in WP.No.33576/2013. The petitioner in WP.No.33576/2013 also filed WA.No.1709/2018 to set aside the order in WP.No.33576/2013 and to allow the writ petition as prayed for. The petitioner in WP.No.27822/2014 filed WA.No.1675/2018 to set aside the order of the learned Single Judge dated 28.03.2018 and to allow the writ petition in WP.No.27822/2014. The State Government has preferred WA.Nos.1674 and 1730/2018 as against the common order in WP.Nos.33576/2013 and 27822/2014.

(9)One O.Eliah Reddy filed WP.No.29531/2019 seeking for issuance of a writ of mandamus directing the respondents to demolish and remove the Outer Ring Road [ORR-Chennai Arm Ramp] constructed in front of the petitioner's buildings situated in survey Nos.194/1B1, 194/B2, 194/B3pt and 194/2B of No.2, Vandalur Village, Chenglepet Taluk, Kanchipuram District by the respondents and to restore the said site to its original



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

position and to compensate the petitioner because of the construction of the said ramp blocking entrance to their buildings.

(10)The writ petition in WP.No.29531/2019 is filed by the individual who is the President of M/s.Sudarsan Trust, the petitioner in WP.No.33576/2013 after the order impugned in these appeals. Since the earlier writ petitions were disposed of by a common order dated 28.03.2018, the individual writ petitioners as well as the Government and the Tamil Nadu Road Development Company Limited have preferred the independent writ appeals with a prayer to set aside the common order of learned Judge. The learned Judge found some procedural irregularities while invoking the provisions of the Act, 2001 merely on assumptions based on the arguments. The learned Judge observed that the District Collector filed a false report to the Government and hence, the impugned Government Order is affected by an element of fraud. Learned Judge found fault with non-furnishing copy of technical/project report. Learned Judge also observed that because of the wrong report. Learned Judge also observed that because of the wrong report placed by the District Collector,



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

Kanchipuram, the State Government could not properly appreciate the case of land owners. However, considering the fact that 95% of the project is already over and that the project is ultimately going to serve greater public case, the State is granted to proceed further in accordance with law, with further directions to pay compensation through private negotiations within four months. In case of non-compliance, learned Judge held that whole acquisition proceedings shall stand closed. Cost of Rs.25,000/- was imposed holding the District Collector personally liable. The judgment passed for all the parties to file appeal.

(11) Heard Mr.N.Subramanian ; Mr.V.Raghavachari, learned Senior counsel, Mr.P.S.Raman, Advocate General and Mr.A.Selvendran, learned Special Government Pleader.

(12) The arguments of learned counsels for writ petitioners challenging the acquisition proceedings are broadly on the following grounds apart from a few other grounds:-

A) The entire acquisition proceedings is vitiated due to the fraud committed by the District Collector, Kanchipuram.



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

B) The statutory provisions particularly, sub-sections [2] and [3] of Section 105-A of the Act 30 of 2013, are not complied with.

C) The requirements under Sections 15[1], 15[2] and 15[3] of the State Act, have not been followed.

D) The District Collector has not applied his mind to the objections raised by the land owners and overruled the objections on false premise.

E) Relevant documents like Detailed Project Report and the Feasibility Report which are required by the petitioners for submitting their objections effectively, have not been furnished to them and hence, the petitioners are deprived of their valid opportunity to submit their effective objections.

F) The acquisition proceedings under the Act, 2001 is not permissible unless the acquisition is in respect of lands which are adjoining the State Highways.

(13) It is true that the learned Single Judge has elaborately considered the points raised by the writ petitioners and held that the proceedings are in



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

fact vitiated for certain irregularities. However, taking note of the fact that the project has been undertaken in public interest and the project is almost completed, the learned Single Judge disposed of the writ petitions upholding the acquisition subject to the condition that the State Government shall take initiative for paying suitable compensation through private negotiation in terms of G.O.Ms.No.281, Revenue and Disaster Management, Land Administration Wing, dated 07.09.2017.

(14)As it was argued before the learned Single Judge, Mr.N.Suramanian, learned counsel and Mr.V.Raghavachari, learned Senior counsel appearing for the writ petitioners, relied upon the Report of the District Collector, Kanchipuram and submitted that the objections raised by the writ petitioners were not considered by the authorities concerned. Referring to Section 15 of the Act, 2001 and the definition of 'Highway', it is submitted that unless a land which is declared to be a Highway under Section 3 of the Act, the acquisition of land under the Act, 2001, is not permissible. Learned counsels then referred to the project and how it is implemented without actual requirement or public purpose. In other words, the learned



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

counsels submitted that no public purpose will be served by constructing the arm of the flyover to cater the traffic need from Chennai ORR to Chennai city. It is pointed out that no technical sanction by any competent authority is there for the entire project. In sum and substance, the grievance expressed by the learned counsels appearing for the writ petitioners is about the construction of Chennai ORR – Chennai arm. It is argued that in the absence of a Detailed Project Report or Feasibility Report, the acquisition is vitiated due to lack of *bona fides*. It is contended that in the absence of any study as to the requirement of down ramp leading to Chennai city from Chennai ORR from the flyover, there is no *bona fides* in the said construction. Stating that there is no traffic assessment and that there will be no occasion for anyone to use the down ramp from Chennai ORR, it is contended that the writ petitioners' lands are acquired only for this unwanted part of the project.

(15) Both the learned counsels for the writ petitioners produced before this Court the plan showing the aerial view and also videograph of the entire stretch of the road and submitted that Chennai ORR does not require the



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

Chennai arm. It is submitted that in the absence of any traffic, the down ramp [referred to as the Chennai arm] from the Chennai ORR, is unwarranted and acquisition of lands of the writ petitioners is therefore, does not serve any public purpose.

(16) It is to be noted that the order of the learned Single Judge had been challenged not only by the land owners/writ petitioners but also by the Government and the other State Agency incharge of the project on independent grounds.

(17) It is now admitted that most of the lands acquired under the impugned Notifications had been utilised by constructing the down ramp, i.e., the Chennai arm of Chennai ORR. This Court has no hesitation to reject the submissions of the learned counsels appearing for the land owners referring to Section 15 of the Act, 2001 and the definition of 'Highway' in terms of Section 2[12] of the Act. The interpretation of Section 15 by the learned counsels appearing for the writ petitioners cannot be accepted as the same would lead to undesired results. The very object behind the



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

power of Government to acquire land for Highways under Section 15 of the Act will go. The term 'Highway' used in Section 15 should be taken in the normal parlance and the definition of 'Highway' cannot be read into Section 15. By applying any principles on the interpretation of a statute, this Court can appreciate the contention of the learned counsels appearing for the writ petitioners.

(18)The learned counsels referred to the impugned order vide G.O.Ms.No.68, Highways and Minor Ports [HN2] Department, dated 18.04.2013 and submitted that administrative sanction had been obtained from the Government on the basis of the report submitted by the District Collector, Kanchipuram. Paragraph 3 of the said Government Order dated 18.04.2013 reads as follows:-

"3.The Collector of Kancheepuram District has reported on the issue of land acquisition in wet/dry lands that, there is no historical monuments/trees, buildings, worshipable temple and graveyard etc., in the proposed acquisition of lands to an extent of 141266.22 sq.mts lands in Tambaram, Sriperumbudur and Chengalpattu Taluks. The total estimated value of



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

the said lands will be Rs.184.81 Crore. He has recommended to sanction of one unit of Special Tahsildar with 8 component staff to attend the land acquisition works."

(19) Since the District Collector has reported that there is no buildings in the lands which are sought to be acquired, it is submitted that the administrative sanction was obtained by misrepresentation. However, learned Advocate General submitted that the Collector's report is just a clearance about the non-existence of any historical monuments or like structures or temples which should be avoided as far as possible when the lands are acquired for Highways. It is to be noted that Collector's report is relevant at the preliminary stage only to see whether there are any legal hurdles which would delay the project due to statutory requirements involving technical clearance from other bodies. The Collector's report has been wrongly interpreted by the learned counsels appearing for the writ petitioners. Even otherwise, the report of the District Collector at the preliminary stage has no consequence when the objections of the individual land owners were considered at the time of enquiry.



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

(20) This Court, having regard to the contents as it is recorded in G.O.Ms.No.68 dated 18.04.2013, has no hesitation to accept the explanation. At the preliminary stage of any acquisition it is relevant for the Government to make an assessment regarding the feasibility and other statutory requirements. For example, when a building which is known for its historical importance or heritage value is declared heritage building, there is a statutory prohibition to put up constructions within a particular distance. It is only in that context, the Collector's report is specifically required to specify the presence of any ancient or historical monuments or buildings which have heritage value. Therefore, the contention that the Government was misled while giving administrative sanction, has no substance.

(21) One of the important submissions of the learned counsels appearing for the writ petitioners is about the non-existence of a Detailed Project Report or a Feasibility Report. This Court is unable to find any statutory requirement for preparing a Detailed Project Report or Feasibility Report even before the acquisition of land. The power of Government to require



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY land for purpose of any Highway or for constructions of bridges, culverts or other structures, in furtherance of the object of the Government is absolute and it is not necessary that a Detailed Project Report should be prepared. It is only after a field report, the Government will examine whether the land is required for the purpose of any Highway or for any purpose incidental or ancillary thereto. In this case, in the counter affidavit filed in both the writ petitions, the Government has elaborately referred to the project in detail. It is to be noted that the Outer Ring Road was formed and it is only after the formation of ORR, the Highways authorities considered the provision of project facilities. The impugned acquisition in respect of the lands of writ petitioners in the present case is only for project facilities so that the whole purpose of formation of ORR will be served as it was desired.

(22) In the counter affidavit, it is pointed out that acquisition of lands for providing project facilities is inevitable and it was part of the project itself. It is admitted that the lands acquired under the Land Acquisition Act earlier for the formation of ORR is completed. It is relevant to point



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

out that a Memorandum of Understanding [MOU] between the National Highways Authority of India [NHAI] and the Highways Department was entered into on 21.11.2012. This MOU was to the effect that the Highways Department should submit the drawings and specifications for the concurrence of NHAI before and during construction and that no additions / alterations or modification in the approved plans, drawings etc., can be made without the prior approval of NHAI. The MOU also provides certain broad guidelines and the necessity of the State Highways to follow Indian Road Congress [IRC] Codes and other instructions of NHAI. It is the specific case of the Highways Department that they have obtained the approval for the entire work wherever the work is required to be completed along with the National Highways. Therefore, this Court is unable to justify quashing the acquisition proceedings merely because the Detailed Project Report and Feasibility Report are not prepared with the approval of NHAI before initiating the acquisition proceedings for the project.

(23)The Hon'ble Supreme Court in *State of Tamil Nadu & Others Vs.*



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY **L.Krishnan & Others [1996 [1] SCC 250]** considered similar objection

being raised when acquisition is made for Tamil Nadu State Housing Board under the Land Acquisition Act, 1894. The power of Government to acquire the land for Housing Board was upheld even without a scheme being framed by the Housing Board when acquisition is for implementing the project of State. One of the contentions that the notification is vague cannot be accepted as it is not necessary to give particulars, how every parcels of land will be utilised when the acquisition is in respect of a large extent of lands.

(24) One of the contentions raised before this Court is that the writ petitioners/land owners were not furnished with the copy of the Detailed Project Report or Feasibility Report at the time of considering the objections. The learned counsel appearing for the appellant in WA.No.1709/2018 referred to the preliminary objections raised by the appellant/writ petitioner requesting for certain documents. In the preliminary objection raised by the writ petitioner, in response to the notice under Section 15[2] of the Act, 2001, a Detailed Project Report for



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

the ORR project, a design and consequent drawing including the lay out, site plan etc., were sought for. In the same representation, it was indicated that the writ petitioner has to consult an Engineer as well as a lawyer as to the correctness of the requirement of his lands technically. It is contended by the writ petitioners that in the absence of complete technical details and other documents which are required by the land owners, the land owners are unable to make effective objections. Pursuant to the Notification dated 18.04.2013, individual notices were issued to the land owners indicating that the lands of the writ petitioners are required for a public purpose, namely, in relation to the flyover required to be constructed to provide additional facilities. Learned Advocate General admitted that there was no detailed project report or feasibility report. In the absence of a Detailed Project Report or a Feasibility Report, it is not possible for the Highways authorities to provide a copy of such report as required by the writ petitioners at the time of enquiry. In the absence of a statutory requirement to prepare a Detailed Project Report even before acquisition, this Court is unable to accept the argument that the whole



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY acquisition proceedings is vitiated for not providing the Detailed Project Report to the land owners.

(25) One of the submissions of the learned counsels appearing for the writ petitioners is that the acquisition ought to have been made under the Tamil Nadu Town and Country Planning Act, 1971 as the whole project was at the request of CMDA. This Court is unable to find any logic behind the submissions of the learned counsels for the writ petitioners. First of all, under the Town and Country Planning Act, 1971, CMDA is only a Planning Authority who may prepare a Master Plan considering future development of the planning area. A plan is prepared showing any proposed scheme road or other infrastructures for free flow of traffic, the area reserved for such development project will be deemed to be required for a public purpose. Even if a private land is reserved for public purpose, it has to be acquired within three years [now five years]. The acquisition need not be by CMDA. It will be by the Greater Chennai Corporation, Local Body or the Government, as the case may be. Therefore, the contention of the writ petitioners cannot be countenanced.



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

(26)The objections of the writ petitioners were duly considered. A fair procedure had been adopted in this case also. Before issuing Notification under Section 15[1] of the Act, 2001, statutory requirement of holding an enquiry on the objections pursuant to the preliminary Notification has been conducted. The entire project is conceived in public interest as seen from the specific averments made in the counter affidavit. This Court is unable to see any lack of *bona fides* in conceiving the project. Merely because there are only a few who could use down ramp from the flyover, it is not necessary that there is no public interest involved. Between future requirement and immediate demand, it is for the competent authority or Government to decide whether the project is required in public interest. A future requirement cannot be assessed on the basis of immediate demand as the ORR project was conceived to serve greater public interest and any other facilities which are considered as inevitable, cannot be viewed otherwise by Courts.

(27)Learned counsels appearing for the writ petitioners submitted that no detailed study was undertaken before the project was conceived and



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

acquisition proceedings is started. From the counter affidavit, it is seen that the Highways Department has undertaken the project purely in public interest and the project involving huge cost cannot be judged by people with vested interest. Even though the writ petitioners alleged *mala fides*, no particulars are given by impleading necessary parties. The State has power to acquire if the land is required for public purpose. When the acquisition is required for Highways Department to provide certain facilities to the existing ORR, the *bona fides* of the project cannot be doubted unless there are compelling circumstances and materials placed before this Court. This Court is fully convinced in this case that the project conceived and the acquisition for the project are purely in public interest. When the State is the proper authority to decide whether the project conceived by the Highways Department is to serve public purpose and a policy decision is taken by the State to proceed with the acquisition, this Court, without sufficient materials to doubt the *bona fides* of acquisition, cannot presume something in favour of land owners merely because the individual land owners have entertained genuine doubts. As it



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

has been pointed out by Hon'ble Supreme Court in a few judgments, it is the prerogative of the Government to decide whether the project conceived by the State Highways is in public interest. Merely because an individual is deprived of a valuable piece of his land on account of acquisition for public purpose, the Court will not quash the acquisition proceedings unless there are procedural infraction or violation which would vitiate the acquisition proceedings. In the absence of any procedural violation, the argument of the learned counsels for the writ petitioners relying upon Article 300-A of the Constitution of India has no merit. Therefore, the writ petitions filed by the land owners have no merits.

(28)The learned Single Judge while making adverse observations failed to consider the statutory requirements under the Act, 2001. The learned Judge has unnecessarily described the acquisition as one vitiated by fraud by relying upon a few judgments which are not appropriate to the case on hand. This Court is unable to appreciate the view taken by the learned Single Judge while observing that the acquisition proceedings is vitiated



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

merely because the copy of the Detailed Project Report and the Feasibility Report were not furnished to the land owners.

(29) Even though the acquisition is in respect of a larger area of land and the project itself is implemented, only on account of the interim order passed by this Court, the extension of road or formation of road to a small stretch of land just abutting the lands owned by the writ petitioners is delayed. The total extent of parcels of lands belonged to the writ petitioners, which are sought to be acquired is 5000 sq.ft. Since this Court is unable to accept the arguments of the learned counsels appearing for the writ petitioners challenging the acquisition proceedings relying upon a few observations of learned Single Judge is contrary to the settled principles of law.

(30) The contentions of the learned counsels appearing for the writ petitioners are devoid of any merits.

(31) In the course of arguments, learned counsels appearing for the writ petitioners/land owners in WP.Nos.33561/2013 and 27822/2014 have relied upon the following judgments:-



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

1. 2017 [12] SCC 797 [*Sannarangappa Vs. State of Karnataka and Others*] ;
2. 2007 [9] SCC 304 [*Vyalikaval House Building Coop. Society rep.by its Secretary Vs. V.Chandrappa and Others*] ;
3. 2008 [9] SCC 552 [*Sooraram Pratap Reddy and Others Vs. District Collector, Ranga Reddy District & Others*] ;2015 [8] SCC 345 [*Mohan Singh Gill & Others Vs. State of Punjab & Others*] ;
4. Judgment dated 11.04.2023 made in WA.Nos.173 to 181 & 183/2023 [*Albert Emmanuel & Others Vs. Union of India & Others*] ; and
5. 2021 [3] SCC 572 [*Project Director, Project Implementation Vs. P.V.Krishnamoorthy & Others*]

(32)The Hon'ble Supreme Court in the judgment reported in **2008 [9] SCC 552 [*Sooraram Pratap Reddy and Others Vs. District Collector, Ranga Reddy District and Others*]**, has reiterated the power of eminent domain. It has been held that the expression 'public purpose' is wider than 'public interest'. It is not necessary that there is immediate need or necessity to conclude that the acquisition is for a public purpose. Even when the result of acquisition is conducive to the welfare of the community in future, the



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY State's wisdom cannot be doubted.

(33) Learned counsels for the writ petitioners relied upon another judgment of Hon'ble Supreme Court in *Vyalikaval House Building Cooperative Society rep.by its Secretary Vs. V.Chandrappa and Others [2007 [9] SCC 304]*. The said judgment is quite inappropriate to the factual situation of this case. That was a case where the land acquisition proceedings were earlier quashed at the instance of one of the land owners and it was held that the whole acquisition proceedings stood vitiated on account of fraud. When the same Notification was challenged by another person, the Hon'ble Supreme Court examined whether the writ petition should be dismissed on the ground of delay and laches. It was in the said context, the Hon'ble Supreme Court held that the acquisition proceedings should be quashed even though the writ petition was filed under Article 226 of the Constitution with a delay.

(34) Mr.V.Raghavachari, learned Senior counsel while challenging the acquisition proceedings submitted that under Section 8 of the Act before fixing the highway boundaries, building line and control line etc.,



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

acquisition cannot be resorted to. This Court is unable to appreciate the contention of the learned Senior counsel. From the bare reading of Section 8 and Section 15 of the Act, 2001, it is seen that Section 8 is an enabling provision for the Highway authority to fix the highway boundary, building line or control line when it warrants. However, fixing of highway boundary is not a pre-requisite for invoking the power under Section 15[2] of the Act, 2001, to acquire the land.

(35)The learned Senior counsel also relied upon the judgment of Hon'ble Supreme Court in the case of ***Sannarangappa Vs. State of Karnataka and Others [2017 [12] SCC 797]***, where Section 15 of the Karnataka Highways Act was challenged on the ground that Section 15 of the State Act does not contemplate an opportunity of hearing to the land owner. The Hon'ble Supreme Court referring to Section 7 of the Karnataka Highways Act, which is in pari-materia with Section 8 of the Tamil Nadu State Highways Act, 2001, found that an opportunity is given to the land owners even under Section 7[2] of the Act. The judgment of the Hon'ble



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

Supreme Court cannot be taken as an authority for the proposition that the acquisition proceedings cannot be proceeded even without fixing boundary line under Section 8 of the Act. The question whether the preliminary Notification is required, was considered by a Full Bench of this Court in *AIR 1989 MAD 222 : 1989 SCC Online Mad 105 [PC.Thanikavelu Vs. The Special Deputy Tahsildar, Land Acquisition and Another]*. The Full Bench has held that principles of natural justice should be read into the provisions of the Land Acquisition Act and therefore, a notice inviting objections to the land owner is held mandatory. However, such notice is required to be served only on persons whose name is found in the revenue records.

(36) Having regard to the facts and circumstances of the cases and findings on the factual submissions, this Court is unable to find any relevance to the judgments relied upon by the learned counsels appearing for the writ petitioners in WP.No.33561/2013 and 27822/2014.

(37) The prayer in WP.No.29531/2019 is to demolish and remove the Outer Ring Road [ORR] Chennai Arm Ramp constructed in front of the



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

petitioner's buildings situated in survey Nos.194/1B1, 194/B2, 194/B3pt and 194/2B of No.2, Vandalur Village, Chenglepet Taluk, Kanchipuram District by the respondents and to restore the said site to its original position. The prayer also is to compensate the writ petitioner for the sufferings he is forced to undergo for the construction of the said ramp. This Court has upheld the land acquisition proceedings in respect of the lands belonged to the respective writ petitioners in WP.Nos.33576/2013 and 27822/2014. The existing ORR – Chennai arm ramp is constructed in the land belonged to the third parties. Even the acquisition of the petitioner's land to extend the road adjoining the Chennai arm ramp is upheld and this Court finds no merits in WP.No.29531/2019 also.

(38)Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [Act 30 of 2013] came into effect on 01.01.2014. In this case, the Notification under Section 15[1] of Tamil Nadu Highways Act, 2001 is dated 01.09.2014. The Government of Tamil Nadu vide G.O.Ms.No.59, Highway and Minor Ports Department dated 29.05.2014 has held that interim compensation for all



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

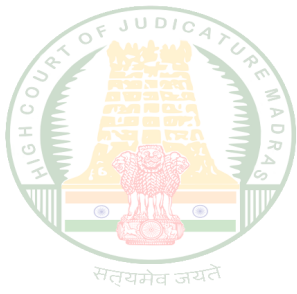
cases where acquisition of land is taken up under the Tamil Nadu Highways Act, 2001, should be determined based on the procedure already in vogue subject to additional compensation being paid as per the provisions of Act 30 of 2013. The object of Act 30 of 2013 is to pay compensation as specified under the Act even if acquisition is under any other State law. In such circumstances, the writ petitioners are entitled to compensation as prescribed under Act 30 of 2013.

(39) In view of the foregoing discussions,

[a] Writ appeals filed by the State Government and the Tamil Nadu Road Development Company Limited in **WA.Nos.1674, 1730, 1613 and 1622/2018 stand allowed ;**

[b] Writ appeals filed by the writ petitioners / land owners in **WA.Nos.1675 & 1709/2018 stand dismissed.** Consequently, **WP.Nos.33576/2013 and 27822/2014 stand dismissed ;** and

[c] **WP.No.29531/2019 stands dismissed.** No costs. Consequently, connected miscellaneous petitions are closed.



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

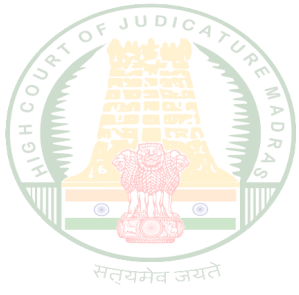
WEB COPY [d]The writ petitioners are entitled to compensation and other benefits as prescribed under Act 30 of 2013 for the lands acquired from them under the impugned Notification.

[S.S.S.R., J.] [P.D.B., J.]
21.03.2025

AP
Index : Yes
Internet : Yes
Neutral Citation: Yes

To

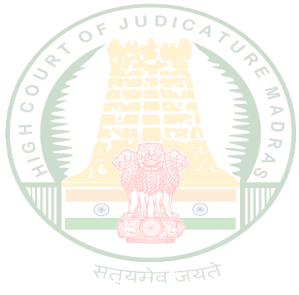
- 1.The Secretary
Government of Tamil Nadu
Highways and Smaller Ports Department
Fort St George, Chennai-9.
- 2.The District Revenue Officer
Land Acquisition,
Outer Ring Road Project,
CMDA, Koyambedu,
Chennai-92.
- 3.The Special Tahsildar [LA]
Chennai Outer Ring Road Project
Tambaram [Location] Poonamallee
Near Government High School.



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

WEB COPY

4.The Managing Director,
Tamil Nadu Road Development Company Limited
No.171, 2nd Floor, Tamil Nadu Maritime Board
Building, South Kesavaperumal Puram
Pasumpon Muthuramalingam Road
Raja Annamalai Puram, Chennai 600 028.



WEB COPY



WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018 and WP.No.29531/2019

S.S. SUNDAR, J.,
and
P.DHANABAL, J.,

AP

Common Judgment in
WA.Nos.1613, 1622, 1674, 1675, 1709 & 1730/2018
and WP.No.29531/2019

21.03.2025