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WP.No.11561 of 2023

In the High Court of Judicature at Madras

Reserved on 26.3.2025	Delivered on : 28.3.2025
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Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.11561 of 2023

1.N.Sivaperumal
2.Govindammal
3.Uma
4.Radhika
5.Revathi
6.N.Soundarajan
7.Amsavalli
...Petitioners

Vs

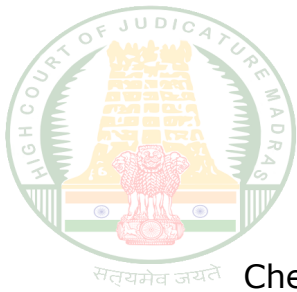
1.The District Collector,
Salem.

2.The Project Director, Tamil Nadu
Road Sector Project II,
Greenways Road, R.A.Puram,
Chennai-28.

3.The Special District Revenue
Officer (Land Acquisition),
Tamil Nadu Road Sector
Project II, Gangai Nagar,
Salem.

4.The Chief Engineer, Tamil Nadu
Road Sector Project II,
Greenways Road, R.A.Puram,

1/12



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Chennai-28.

5.The Superintending Engineer,
Tamil Nadu Road Sector
Project II, Salem.

6.The Divisional Engineer,
Tamil Nadu Road Sector
Project II, Salem.

...Respondents

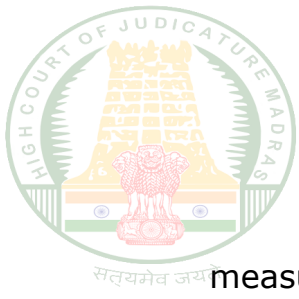
PETITION under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to consider the petitioners' representation dated 01.3.2023 within a time frame to be stipulated by this Court for de-notifying and reconveying about 49 cents of the petitioners' land in S.F.No.3/8B, Chinna Sathapadi Village, Salem District.

For Petitioner : Mrs.Hema Sampath, SC for
Mrs.R.Meenal

For Respondents : Mr.M.R.Gokul Krishnan, AGP

ORDER

This writ petition has been filed seeking for the issuance of a Writ of Mandamus directing the first respondent to consider the representation made by petitioners 1 to 6 on 01.3.2023 wherein they made a request for de-notifying and reconveying the property



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measuring 49 cents in S.No.3/8B, Chinna Sathapadi Village, Salem District.

2. Heard the learned Senior Counsel appearing on behalf of the petitioners and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioners is as follows :

(i) Petitioners 1 and 3 to 6 are siblings. The second petitioner is their mother. The seventh petitioner is their lessee. One Mr.Nallappan owned an extent of 97 cents of land in S.No.3/8B. The said property was leased to the seventh respondent in the year 2018 for the proposed petrol/diesel retail outlet. Permission was also granted for establishing a petrol/diesel retail outlet. At that point of time, a Government Order in G.O.Ms.No.66 dated 30.4.2020 came to be issued by the Tamil Nadu State Highways Act, 2001 (for short, the Act) to acquire lands for widening of Omalur - Mecheri stretch.

(ii) Accordingly, an extent of 50 cents of land belonging to the said Mr.Nallappan - the father of petitioners 1 and 3 to 6 and husband of the second petitioner became the subject matter of acquisition. A



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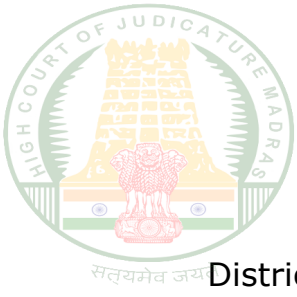
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show cause notice was issued, to which, objections were made by the said Mr.Nallappan. Subsequently, the road widening work was completed and only one cent out of the lands acquired from the said Mr.Nallappan was utilized and the remaining portion was not utilized for the widening of the road. However, it was proposed to be utilized for the formation of a parking lay-by.

(iii) Since the said Mr.Nallappan died on 16.12.2021, a representation dated 01.3.2023 was made by his legal heirs in this regard to the respondents. It is under these circumstances, the above writ petition came to be filed before this Court.

4. The third respondent filed a counter affidavit for herself and on behalf of the other respondents wherein they took the following stand :

(i) The procedure contemplated under the Act and the Rules made thereunder was scrupulously followed and the acquisition proceedings have not been put to challenge. After completion of the requirements under the Act, the compensation amount was fixed. But, the said Mr.Nallappan refused to receive the same and hence, steps were taken to deposit the compensation amount before the Principal



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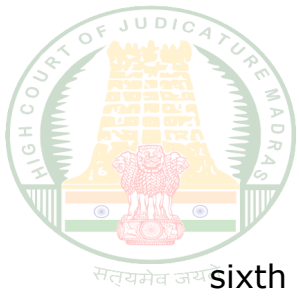
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District Court, Salem in the year 2022.

(ii) Pursuant to the completion of road expansion, the State Highways Department was in the process of forming a truck lay-by. The said Mr.Nallappan was continuously causing disturbance and it required intervention from the police to proceed further with the road expansion work. The representation made by petitioners 1 to 6 was considered and it was found that the alternate lands suggested by them would not be fit for the formation of the truck lay-by. Accordingly, they sought for dismissal of this writ petition.

5. When the matter came up for hearing on 22.11.2024, the learned counsel on record for the petitioners submitted that there is an adjacent land measuring about 7 acres, which is classified as a Government poramboke land, that the same can be utilized to form the truck lay-by and that the remaining portion belonging to petitioners 1 to 6 can be reconveyed.

6. In the light of the above submissions, this Court directed the learned Additional Government Pleader to take instructions. Pursuant to that, the written instructions dated 25.3.2025 were given by the



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sixth respondent, the relevant portions of which are extracted as hereunder :

"

2. In the project road, there is a provision for the construction of truck lay-by at Km 8/050 - 8/290 Right Hand Side (RHS) and necessary land acquisition procedures were carried out by the Special District Revenue Officer (Land Acquisition), Tamil Nadu Road Sector Project -II, Salem.

3. For the construction of proposed truck lay-by at Km 8/050 - 8/290 RHS, the land acquisition has been carried out in Chinna Sattapadi Village. In the land acquisition, the land mentioned in the writ petition survey No.3/8 is also included.

4. The 15(2) Notification was issued by the Special District Revenue Officer (Land Acquisition), Tamil Nadu Road Sector Project-II, Salem on 12.8.2020 and the 15(1) Gazette Notification was issued on 31.10.2020. The award for the land 1779 sq.m. of survey No.3/8B was passed by the Special District Revenue Officer (Land Acquisition), Tamil Nadu Road Sector Project II, Salem on 04.2.2021 itself.

5. For the above project road, the detailed project report has been prepared and by adopting the Indian Road Congress Guidelines, alignment has been fixed and approved by the Committee and the work had been started in 22.4.2021 itself.



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The Meikkal poramboke as mentioned in the petition is located about 15 m beyond the land of the petitioner and it is submitted that the truck lay-by should be constructed adjacent to the project road as per the IRC design standards.

....."

7. This Court has carefully considered the submissions of the learned counsel on either side and perused the material available on record.

8. The land acquisition proceedings were initiated under the Act by issuing a Notification under Section 15(2) of the Act on 12.8.2020. Thereafter, the Gazette Notification was published under Section 15(1) on 31.10.2020. Further, the objections made by the said Mr.Nallappan were also considered and rejected. The award was passed on 04.2.2021 by the third respondent. Since the said Mr.Nallappan refused to receive the compensation amount, it was deposited into the Court.



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9. Apart from the lands of the said Mr.Nallappan, some other lands were acquired from nine others, who are adjacent owners and they received the compensation amount except petitioners 1 to 6. It is quite apparent that proper procedure has been followed under the Act and the Rules framed thereunder and that only thereafter, the lands were acquired. A portion of the lands acquired from the said Mr.Nallappan had already been utilized for road expansion and the balance portion along with the lands belonging to the adjacent owners are going to be utilized for the formation of a truck lay-by.

10. Petitioners 1 to 6 made the said representation dated 01.3.2023 by taking a stand that the Government poramboke lands are available nearby, that the same can be utilized for the formation of the truck lay-by and that the remaining portion of the lands belonging to the said Mr.Nallappan can be reconveyed to petitioners 1 to 6.

11. In the considered view of this Court, petitioners 1 to 6 do not have any legal right to compel the respondents to reconvey the lands already acquired. However, this Court wanted to ascertain the feasibility of utilizing the adjacent lands pointed out by them on the



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ground that they were classified as the Government poramboke lands. Accordingly, a report was called for from the sixth respondent, who also submitted a report. The relevant portions have already been extracted supra.

12. On carefully going through the same, it is seen that the road expansion has been completed, that it has already been inaugurated by the Chief Minister on 11.6.2023 and that the road is now used by the general public.

13. In so far as the alternative lands that were suggested by the petitioners are concerned, the Expert has considered the same and found that they were classified as Meikkal poramboke and are located about 15 meters beyond the lands belonging to petitioners 1 to 6. It was also found that a truck lay-by should be constructed adjacent to the road project as per the Indian Road Congress Guidelines and that the adjacent lands suggested by the petitioners do not satisfy the requirements.



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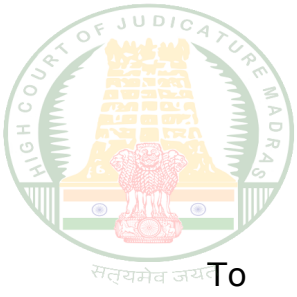
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14. These are decisions taken by the Experts and this Court cannot sit in judgment over such expert opinion. This Court has sought for a report only to find out as to whether there is any possibility of utilizing the Government poramboke lands and reconveying the balance portion of the lands to petitioners 1 to 6. The said request made by petitioners 1 to 6 is not feasible as per the report of the Expert. Therefore, there is no question of compelling the respondents to reconvey the balance portion of the lands acquired from the said Mr.Nallappan to petitioners 1 to 6.

15. This is more so since the lands of the adjacent land owners, who are nine in number, were also acquired and are going to be utilized for the formation of the truck lay-by along with the portion of the lands belonging to petitioners 1 to 6. In the light of the above discussions, the relief sought for by petitioners 1 to 6 cannot be granted by this Court.

16. Accordingly, the writ petition is dismissed. No costs.

28.3.2025



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To

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