



W.A.No.1734 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 13.06.2025

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

W.A.No.1734 of 2025 and
C.M.P.No.13149 of 2025

K.Murugavenkatesh

... Appellant/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/Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, seeking to set aside the order passed by this Court dated 26.03.2025 passed in W.P.No.3894 of 2025.

For Appellant : Mr.Mohamed Riyas Khan
For Mr.S.Senthil

For Respondents : Mr.Vadivel Deenadayalan
Addl. Govt. Pleader



W.A.No.1734 of 2025

ORDER

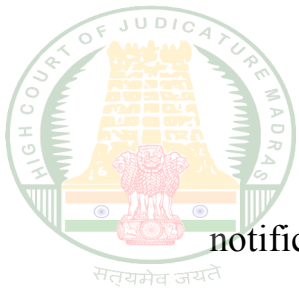
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(By *J.Nisha Banu,J.*)

A challenge in this Writ Appeal is to the order dated 26.03.2025 passed in W.P.No.3894 of 2025, by which, the Writ Petition was disposed of on the basis of the assurance given by the respondents that 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.

2. Mr.Vadivel Deenadayalan, learned Additional Government Pleader takes notice for the respondents. By consent, the Writ Petition itself is taken up for final disposal at the admission stage.

3. In the Writ Petition, the Writ Petitioner sought a declaration that the land acquisition proceeding initiated by the 2nd respondent for the purpose of forming Sankari By-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 sq.mtrs., as null and void due to non-issuance of any



W.A.No.1734 of 2025

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. Learned Single Judge, upon considering the submissions of the learned Additional Advocate General that the land acquired from the petitioner would be used for laying the bye-pass road under the Chennai Kanniyakumari Industrial Corridor Project, disposed of the Writ Petition, holding that the assurance given by the respondents will take care of the grievance of the petitioner.

4. Aggrieved by the said order, the appellant / Writ Petitioner has preferred this appeal. The appellant submitted that the act of the 2nd respondent in issuing summons under Section 19(2) of the Tamil Nadu Highways Act, 2001 (hereinafter referred to as the 'Act, 2001') is bad in law, as there was no show cause notice issued under Section 15(2) of the Act, 2001, as required under Section 15(1) of the Act, 2001. According to the appellant, the initial acquisition of his land was for forming a highway and subsequently, the 3rd respondent stated that the purpose of acquisition was for widening State Highway 86. In that case, there may be a chance of



W.A.No.1734 of 2025

getting a lesser amount by the petitioner. Learned Single Judge failed to take into account all these aspects and disposed of the writ petition by merely recording the assurance given by the respondents.

5. Mr.Vadivel Deenadayalan, learned Additional Government Pleader appearing for the respondents contended that the apprehension of the appellant is baseless and despite the assurance given by the Officials respondents that compensation will be fixed in respect of the acquisition made for laying bye-pass road under the Chennai Kanniyakumari Industrial Corridor Project, the appellant has filed this appeal, which is liable to be dismissed.

6. Heard the learned counsel for the appellant and the learned Additional Government Pleader appearing for the respondents and perused the material documents available on record.

7. The land of the appellant in S.No.148/2B and 148/3A1 was acquired in the year 2022 for the purpose of forming State Highway No.86 Omalur-Sankari-Thiruchengode-Paramathi Road under the Act, 2001 and an



W.A.No.1734 of 2025

Award was also passed on 25.02.2022. Thereafter, the petitioner received a summon under Section 15(3) of the Act, 2001 and was called for enquiry in respect of another portion of the land in S.No.148/2A. It was stated that the land is acquired for the purpose of widening the State Highway No.86. The grievance of the Appellant was that if the land is acquired for widening the highway, he may not get a fair compensation and that there is also a procedural irregularity, inasmuch as there was no notice issued under Section 15(2) of the Act, 2001 and the declaration under Section 15(1) of the Act, 2001 as well.

8. On a careful reading of the order of the learned Single Judge, it is seen that the learned Single Judge has considered each and every aspect of the matter and came to the conclusion, by holding as under:

“6... 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



W.A.No.1734 of 2025

WEB COPY

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.

9. It is obvious that the Officials respondents assured before this Court that the land of the petitioner will be used to form Chennai Kanniyakumari Industrial Corridor Project and the compensation will be adequately fixed for the acquisition made for the above purpose. We are of the view that as rightly observed by the learned Single Judge, the apprehension subsisted in the mind of the appellant has been cleared by the respondents by their fair stand stated supra. Once an assurance is given by the respondents before this Court that was also duly recorded in the order, they cannot go back and take a contrary stand, which would amount to contempt.

10. In view of what is stated herein-above, in our considered



W.A.No.1734 of 2025

opinion, there is no need to interfere with the order of the learned Single

WEB COPY Judge. Accordingly, the ***Writ Appeal is dismissed***. No costs. Consequently,

connected miscellaneous petition is closed.

(J.N.B.J.,) (M.J.R,J.,)
13.06.2025

Index: Yes / No

Internet: Yes / No

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