

W.A.No.153 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2025

CORAM :

**THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE C.SARAVANAN**

**W.A.No.153 of 2023
and
CMP.No.1453 of 2023**

C.Jeevagan

...
Vs.

Appellant

- 1.The Project Director,
Highways Department
Tamil Nadu Road Sector Project - II,
Chennai-Kanyakumari Industrial
Corridor Project,
No.171, Kesavaperumalpuram,
Greenways Road, Raja Annamalaipuram,
Chennai - 600 028.
- 2.The Divisional Engineer
Highways Department,
Chennai-Kanyakumari Industrial
Corridor Project,
Arni Road, Vandavasi Town,
Thiruvannamalai District.
- 3.The Special District Revenue Officer (LAO),
Chennai-Kanyakumari Industrial
Corridor Project, 16, Visalakshi Nagar,
Sevilimedu, Kancheepuram - 631 502.



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4.The Special Tahsildar (Land Acquisition),
Chennai - Kanyakumari Industrial
Corridor Project, Vandavasi Town,
Thiruvannamalai District.

...

Respondents

PRAYER: The Writ Appeal has been filed under Section 15 of Letter patent against the order of this Court dated 24.08.2022 made in W.P.No.1059 of 2021.

For Appellant : Mr.P.Dinesh Kumar

For Respondent : Mr.A.Selvendran
Spl.Govt.Pleader

JUDGMENT

(The judgment of this Court was made by S.M.Subramaniam,J.,)

Land Acquisition proceedings initiated under the Tamil Nadu Highways Act, 2001 came to be challenged in the writ proceedings by the appellant herein. The writ Court dismissed the writ petition, thus, the present intra-Court Appeal.

2.The learned counsel appearing for the appellant would mainly contend that mandatory notice as required under Section 15(2) of the Tamil Nadu Highways Act, 2001 has not been complied with. In the paper



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publication, the property belongs to the petitioner has not been available.

That apart, the pre-condition under Section 8 has not been complied with.

Initially, the authorities competent have to fix highway boundary, building line, control line, etc., under Section 6 of the Highways Act and thereafter, has to proceed with the land acquisition proceedings. However, in the present case, Section 8 has not been complied with and under Section 15(2), no notification was issued. Thus, the entire acquisition proceedings ought to be declared as null and void. More specifically, paper publication has not been effected.

3.The learned counsel appearing for the appellant relied on the judgment of the Hon'ble Supreme Court in the case of ***Sannarangappa Vs. State of Karnataka and others*** reported in ***(2017) 12 Supreme Court Cases 797*** to substantiate that Section 7 of the Karnataka Highways Act is in *pari materia* with section 8 of the Tamil Nadu Highways Act and the Court held that the procedure contemplated under Section 7 of the Karnataka Highways Act is to be complied with before issuing a show cause notice for acquisition of land under the Karnataka Land Acquisition Act.



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4.The learned Special Government Pleader would oppose by stating that notification under Section 15(2) was issued and paper publication was effected in "Makkal Kural (Tamil Daily) and The Hindu (English Daily)" on 10.01.2020. Subsequently, an amendment was issued under Section 15(2) and a separate newspaper publication was issued in "Makkal Kural (Tamil Daily) and The Hindu (English Daily)" on 14.07.2020. The appellant has relied upon the paper publication issued only on 10.01.2020 and therefore, the ground raised is untenable.

5.Gazette Notification under Section 15(1) of the Highways Act was issued on 14.07.2020. Admittedly, the appellant along with other erstwhile land owners participated in the award proceedings on 30.01.2020 and the appellant has submitted his written objection, in response to the paper publication issued under Section 15(2) of the Highways Act. Since the appellant has participated in the award proceedings by filling an objection, now he cannot turn around and claim that no paper publication was issued as required under Section 15(2) of the Highways Act.



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6.It is contended that Section 8 has no application, since it is all about fixing of boundaries, building line etc., which is to be done by the authorities and further it is not mandatory, but directory in nature, wherever such efforts are required.

7.This Court has heard the rival submissions made on behalf of the parties to the lis on hand.

8.The fact remains that the land was acquired under the Tamil Nadu Highways Act for developing Highways project. Regarding the ground raised by the appellant that no paper publication was issued under Section 15(2), the respondents filed typed set of papers, wherein, they have enclosed the notification dated 10.01.2020, which was issued under Section 15(2) of the Act. However, in the said notification, it appears that the property belongs to the appellant was not published. But, an amendment was issued under Section 15(2) on 14.07.2020, which was also published in the newspaper. Pertinently, the very purpose and object of the publication is to ensure that the land owners are made aware of the



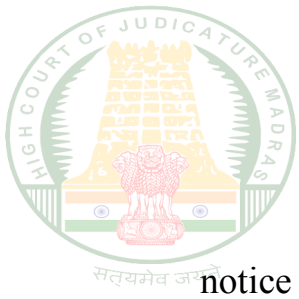
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land acquisition proceedings enabling them to participate in the award proceedings. In the present case, admittedly, the appellant has submitted his written objection, in response, to the paper publication and participated in the award proceedings. Subsequently, compensation was fixed which was deposited in Indian bank on 12.03.2024. The compensation quantified is Rs.34,91,263/-.

9.It is brought to the notice of this Court that the road projects have been completed in the acquired lands and the road is in public use. In respect of road alignment, the acquisition proceedings have been completed and authorities are in the process of removing obstructions/encroachments for road expansion and to provide other facilities to the road users. In view of the pendency of the present writ appeal, the said obstructions have not been removed.

10.Tamil Nadu Highways Rule 5 provides the manner of publication of the public notice beyond the paper publication effected. The show cause notice is to be issued to the owner of the property in terms of Rule 5(1) of the Tamil Nadu Highways Rules. In this regard, such show cause



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notice was issued by the third respondent vide show cause notice dated 11.01.2020 addressed to the appellant. In response, the appellant has submitted his reply on 29.01.2020. Therefore, it is apparently clear that the appellant has participated in the adjudicatory process as well as award proceedings by submitting his written objection and award was passed. There is no reason to hold that the paper publication was not issued in consonance with Section 15(2) of the Tamil Nadu Highways Act.

11.The project has already been completed and the obstructions alone are to be removed by the Highways Authority. That apart, the test laid down by the Hon'ble Supreme Court in *Sannarangappa's case* cited supra in para - 5 has been satisfied in the present case. After paper publication, a show cause notice was issued to the appellant, for which, the respondents have submitted their reply. That being the factum, the ground raised by the appellant would be insufficient to hold that the land acquisition proceedings are violative of Section 15(2) of the Highways Act.



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For all these reasons, this Court is not inclined to interfere with the writ order impugned and consequently, the writ appeal stands dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J) (C.S.N.J)
08.09.2025

Index : Yes/No
Internet : Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
sms

To

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