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W.A.No.772 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

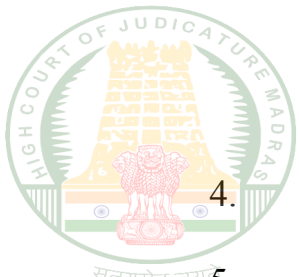
W.A.No.772 of 2025
and
CMP No.6643 of 2025

1.N.Santhanam
2.N.Babu
3.S.Gnanammal
4.S.Ganesan
5.K.Umarani

... Appellants

Vs.

1. The Union of India,
Represented by its General Manager,
Southern Railway,
Chennai.
2. The Deputy Chief Engineer (Construction),
Southern Railway, Tambaram,
Chennai - 600 045.
3. The State of Tamil Nadu,
Represented by its Additional Chief Secretary,
Transport Department,
Fort St.George,
Chennai - 600 009.



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4. The District Collector,
Ranipet District at Ranipet.
5. The District Revenue Officer/
Land Acquisition Officer,
O/o. The District Collector,
Ranipet District.

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 10.07.2024 passed in W.P.No.11408 of 2024.

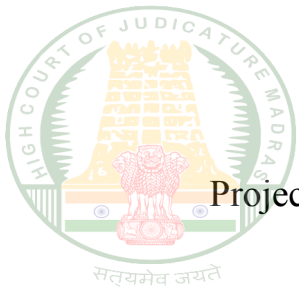
For Appellants	: Mr.V.Ramesh for Mr.L.Chandrakumar
For Respondents	: Mr.Vadivelu Deenadayalan Additional Government Pleader for R3 to R5

JUDGMENT

(Judgment of the Court was made by **S.M.SUBRAMANIAM, J.**)

Dissatisfied with the orders of this Court dated 10.07.2024 passed in W.P.No.11408 of 2024, the present intra-court appeal has been instituted under Clause 15 of Letters Patent Act.

2. The appellants challenged the acquisition proceedings relating to the Railway project namely, Tindivanam-Nagari Broad Gauge Railway Track



Project.

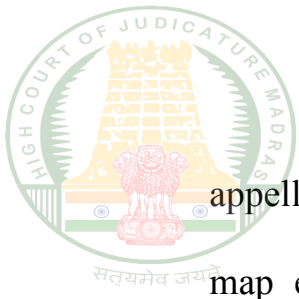
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3. Lands are under acquisition for Broad Gauge Railway Track Project and emergency provisions under Section 2 (c) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 has been invoked. Consequently, G.O.Ms.No.92, Transport Department dated 08.05.2012 was passed and published in the Government Gazette. The notification was challenged in W.P.No.17165 of 2012 on the ground that the agricultural activities are in progress and invocation of emergency provision was uncalled for and further ground was raised that deviation from the original plan had been undertaken. This Court quashed the said notification on 12.12.2012 and the order has been confirmed in W.A.No.563 of 2013. Thus further Notification was issued under the Tamil Nadu Land Acquisition of Land for Industrial Purposes Act, 1977 and again the appellants have instituted the writ petition challenging the revised Government Order issued in G.O.Ms.No.203, Transport (1.1) Department dated 04.07.2018 as published in the Government Gazette No.240 dated 04.07.2018 and the consequential order of the Land Acquisition Officer dated 12.03.2024.

4. Mr.V.Ramesh, the learned Counsel appearing on behalf of the



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appellants would mainly drew the attention of this Court with reference to the map enclosed and contended that the route now preferred would cause irreparable loss to the agricultural activities in that locality. Contrarily, another route suggested which may not result in destruction of agricultural land is to be acquired for the purpose of developing Broad Gauge Railway Track Project. At the outset, the learned Counsel is of the opinion that the route suggested by the appellants through green marked line in the map is to be considered for acquisition proceedings.

5. This Court is of the considered opinion that the Broad Gauge Railway Track Projects are developed by expert body. The experts considering various factors and the implications are designing the route and Courts are not expected to interfere with the opinion of the experts. High Court in exercise of the powers of Judicial Review cannot substitute its opinion on the report of the expert's body. Therefore, the argument that alternate route must be preferred as per the suggestion of the appellants would not arise at all nor Court can put suggestion to such expert body to choose a particular route or otherwise. Such interventions are beyond the scope of powers of judicial review under Article 226 of the Constitution of India.



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6. No doubt, clean environment and protection of agricultural land is a guaranteed right under the Constitution of India. But the right to development through industrialization equally claims priority under fundamental rights particularly under Articles 14, 19 and 21 of Constitution of India. Therefore, the need for "sustainable development harmonising and striking a golden balance between the right to develop and the right to environment."

7. In the present case, the writ Court has made observation that there is no changes in the track alignment and the original plan has been furnished by the Revenue Department. It is further observed as follows:

"9.As far as the bend in the railway line, this Court has also verified the plan submitted by the technical persons, which clearly indicate that in order to avoid existing school and all congested buildings in the area, the land has been taken separately. Therefore, it cannot be said that the track alignment is made only to accommodate some theme park owned by some private persons. The very plan submitted before this Court indicate that without any damage to the temple and the colony, track has been aligned. This Court in W.P.No.17165 of 2012, by order dated 12.12.2012 held as follows:



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"17. I have also perused the map of railway track. It takes a bend. They are not able to satisfactorily explain as to why there is a bend at the Village. Hence, the submission of the learned Senior Counsel that the railway track makes a bend so as to accommodate 7th respondent cannot be simply brushed aside in the facts and circumstances of the case.

.....

.....

10. When the technical person has assessed, merely, on the basis of earlier view that there was a bend in the railway track, now, it has been set right, it cannot be said that entire acquisition proceedings has to be quashed. The acquisition for new railway line between Dindivanam-Nagari, which is, in fact, for industrial growth. Hence, the technical aspects have been taken into consideration and acquisition has been made, this Court is of the view that this Court cannot go into the technical aspect."

8. This Court do not find any infirmity in respect of the findings made by the writ Court and the decision taken. Since the development project is of one for Tindivanam-Nagari Broad Gauge Railway Track Project, this Court is not inclined to entertain the present writ appeal.



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Accordingly, the Writ Appeal stands **dismissed**. No costs.

Consequently, connected miscellaneous petition is closed.

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[S.M.S,J.] [K.R.S,J.]

24.03.2025

veda

Index:Yes/No

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

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Chennai.
2. The Deputy Chief Engineer (Construction),
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