



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.06.2025

CORAM:

THE HONOURABLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.13712 of 2025

and

W.M.P(MD)Nos.9879 and 9881 2025

M.Radhakrishnan

... Petitioner

.Vs.

**1.The District Collector,
Madurai District,
Madurai.**

**2.The Special District Revenue Officer(land Acquisition),
Office of the Special District Revenue Officer(Land Acquisition),
Alagar Kovil Road,
Madurai – 625 002.**

**3.The Special Tahsildar,(Land Acquisition),
Highway Office, Unit-2,
Madurai.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned notice issued by the second respondent in Na.Ka.No.516/2024 S.H-2, dated 24.1.2025 published in Hindu Tamil Daily, dated 24.1.2025 under the provisions or Section 15(2) of the Tamil Nadu Highways Act,



WEB COPY

2001 and the consequential order of the third respondent in Na.Ka.No.17/2024/Ne.Aa2, dated 3.4.2025 and to quash the same as illegal and thereon forbear the respondents from in any manner interfering with the possession and occupation of the land belonging to the Petitioner under the guise of land acquisition comprised in S.No.2468/1A2b to an extent of 2794 sq.ft situated at Singampidari Kovil Street(Door No.27), Madurai.

For Petitioners : Mr.K.Sathish Kumar

For Respondents : Mr.K.Malathi
1 to 3 Addl.Govt.Pleader

ORDER

The Writ Petition is filed challenging the award passed by the third respondent rejecting the objection raised by the Petitioner with regard to the land acquisition proceedings initiated for construction of Highways from Kamarajar Bridge, Samayanallur to Varanasi – Kanyakumari National Highways.

2.Mr.K.Malathi, learned Additional Government Pleader takes notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal.

3.According to the Petitioner, he and his brother Natarajan are the owners of the property situated in S.NO.2468/1A2B with an extent of 2794 sq.ft in Singampidari Kovil Street, Madurai. The



WEB COPY

second respondent issued a notice under Section 15(2) of the Tamil Nadu State Highways Act for acquisition of the above said property. The Petitioner and other affected parties have submitted their objection by way of detailed representation on 15.02.2025 against the acquisition. The said objection was rejected by the third respondent by the impugned order.

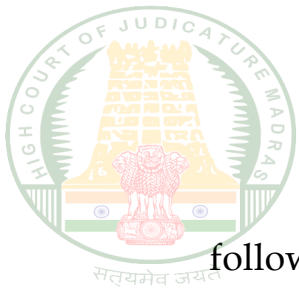
4. Section 15 of the Tamil Nadu State Highways Act reads as follows:

“15. Power to acquire land:--(1) If the Government are satisfied that any land is required for the purpose of any highway or for construction of bridges, culverts, causeways or other structures thereon or for any purpose incidental or ancillary thereto, in furtherance of the objects of this Act, they may acquire such land by publishing in the Tamil Nadu Government Gazette a notice specifying the description of such land and the particular purpose for which such land is required.

(2) Before publishing a notice under Sub-Section (1), the Government shall call upon the owner and any other person having interest in such land to show cause within such time as may be prescribed in the notice why the land should not be acquired. The Government shall also cause a public notice to be given in such manner as may be prescribed.

(3) The Government may, after considering the cause, if any, shown by the owner or other person having interest on such land, pass such an order under sub-section (1) as they may deem fit.”

5. Rule 5 of the Tamil Nadu Highways Rules, 2003, reads as



follows:

WEB COPY

“5.Manner of publication of the public notice:-- Before publishing a notice under sub section (1) of Section 15, (the Government or the Collector or the Special District Collector(Land Acquisition), Tamil Nadu Urban Development Project III or the Special District Revenue Officer (Land Acquisition) as the case may be, shall in addition to calling upon the owner and any other person having interest in the land to show cause as to why the land should not be acquired shall also cause a public notice to that effect to be published in one English and in one Tamil newspaper having circulation in the locality. The said notice shall also be displayed in the Offices of the ,--

(i)Highways Authority of the division concerned ;(ii)the Village Administrative Officer of the village concerned; and (iii) Tahsildar of the Taluk concerned.

(2)If any objection is received from a person interested in the land within the time prescribed in the public notice issued under subsection 2 of Section 15(the Government or the Collector or the Special District Collector(Land Acquisition), Tamil Nadu Urban Development Project III or the Special District Revenue Officer (Land Acquisition) as the case may be, shall fix a date for hearing the objections and give notice thereof to the objector as well as to the Highways Department. Copies of the objection shall also be forwarded to the Highways Department. The Highways Department may file on or before the date fixed by the (the Government or the Collector or the Special District Collector(Land Acquisition), Tamil Nadu Urban Development Project III or the Special District Revenue Officer (Land Acquisition) as the case may be, a statement by way of answer to the objections and may also depute a representative to attend the enquiry.;

(3)On the date fixed for enquiry or any other date to which the enquiry may be adjourned, (the Government or the Collector or the Special District Collector(Land Acquisition), Tamil Nadu Urban Development Project III or the Special District Revenue Officer (Land Acquisition) as the case may be,shall hear the objector or a person authorized by him in this behalf and the representative, if any, of the Highways Department and record any evidence that may be produced in



WEB COPY

support of the objection and in support of the need for acquiring the land;

(4)Where the enquiry is conducted by the Collector, on completion of enquiry, the Collector shall submit all the details of the enquiry to the Government to pass order under sub section(3) of Section 15;

(5)Where the enquiry is conducted by the Government, the Government will pass order under sub section (3) of Section 15).''

6.A perusal of Section 15 r/w Rule Section 5 of the Rules framed under the above Act would indicate that the competent authority to consider the objection raised by the public in response to the notice under Section 15(2) is the Government/Collector/Special Deputy Collector(Land Acquisition). In the case on hand, the objection raised by the Petitioner was considered by the third respondent, who is not a competent authority. The third respondent simply rejected the objection on the ground that the acquisition of land for public purpose is a policy decision of the Government and hence, the objection of the Petitioner cannot be accepted. Therefore, it is clear that the objection raised by the Petitioner has not been considered on merits by the third respondent and third respondent is not the competent authority to consider the objection raised by the Petitioner.

7.Therefore the impugned order cannot be allowed to stand.



Accordingly, the same is set aside and the Writ Petition is allowed.

WEB COPY

However, the first respondent, who is the competent authority to take a decision on the objection, dated 15.2.2025 raised by the land owners including the Petitioner, shall consider the same, pass final orders on its own merits and proceed thereafter. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.06.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Special District Revenue Officer(land Acquisition),
Office of the Special District Revenue Officer(Land Acquisition),
Alagar Kovil Road,
Madurai – 625 002.
- 3.The Special Tahsildar,(Land Acquisition),
Highway Office, Unit-2,
Madurai.



WEB COPY

S.SOUNTHAR.,J.

vsn

ORDER MADE IN

W.P(MD)No.13712 of 2025

and

W.M.P(MD)Nos.9879 and 9881 2025



WEB COPY



09.06.2025