



W.P.(MD) No.14851 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD) No.14851 of 2024

D.Kannan

... Petitioner

VS.

1.The Superintending Engineer (H),
Tamil Nadu State Highways,
Projects Circle,
Thanjavur.

2.The District Collector,
Thiruvarur District,
Thiruvarur.

3.The Divisional Engineer, (H),
Tamil Nadu State Highways,
Project Circle, Thanjavur.

4.The Divisional Engineer, (H),
Tamil Nadu State Highways,
Investigation Division,
Trichy.

5.The Special Tahsildar,
Land Acquisition Office,
Chennai Kanyakumari Industrial Corridor Project,
Kumbakonam.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 1, 3 and 4 to clarify the report and sketch in respect to the project pertaining to construction of approach road for the road over bridge to be built in (SH-202), LC No.34, KM 50/800-900- ie., Thiruvarur-Mannargudi-Muthupettai Road clarifying that the property in S.No.236/6, Thandalai Village, Thiruvarur Taluk, Thiruvarur is not required for the above public purpose by considering the petitioner's representation dated 28.06.2024.

For Petitioner : Mr.M.Prabakaran
for Ms.M.Viji

For Respondents : Mr.C.Satheesh
Government Advocate

ORDER

The petitioner has filed the present writ petition seeking a direction to the respondents 1, 3 and 4 to clarify the report and sketch in respect of the project pertaining to construction of approach road for the road over bridge to be built in (SH-202), LC No.34, KM 50/800-900- ie., Thiruvarur-Mannargudi-Muthupettai Road clarifying that the property in S.No.236/6, Thandalai Village, Thiruvarur Taluk, Thiruvarur, is not required for the above public purpose.



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2.The petitioner has made a detailed representation in this regard on 28.06.2024 and contends that when adjoining commercial properties have not been sought to be acquired, the petitioner's property alone cannot be put to any use and therefore, in and by the said representation, the petitioner has requested the authorities to exempt the petitioner's lands from acquisition by clarifying the report and sketch pertaining to the project. The petitioner had admittedly addressed the representation to the respondents in the writ petition. The petitioner also admits the fact that Section 15(1) of the notification has been issued under the Tamil Nadu Highways Act, 2001, and therefore, the lands have already vested with the Government. Section 16 of the Act provides for the Government to withdraw any lands from acquisition if it appears to the Government that the land is no longer required for the purpose for which it was originally sought for. The said exercise has to be undertaken before the actual possession of land is taken over by or on behalf of the Government. The petitioner asserts that the possession still remains with the petitioner and he has not been dispossessed pursuant to Section 15(1) of the notification.



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3.The learned Government Advocate would submit that the lands have already been reclassified and are required to form a roundabout and the petitioner is not entitled to any positive directions in the writ petition. It is also stated that the proposal for roundabout is necessary since it is a 'Y' junction and therefore, the subject lands of the petitioner are necessary for the project.

4.The learned counsel for the petitioner submits that when the adjoining commercial properties have not been acquired, there is no possibility for the petitioner's lands alone to be utilised for the roundabout to be implemented by the respondents.

5.The sum and substance of the representation of the petitioner is that the petitioner's lands are not in any way useful for the purposes which were sought to be achieved by the acquisition proceedings. As of now, admittedly Section 15(1) notification has been issued and the only avenue open to the petitioner is to approach the Government and seek withdrawal of his lands from acquisition, taking advantage of the proviso to Section 16 of the Act. Admittedly, the



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petitioner has made no such application seeking withdrawal of the lands from acquisition to the Government.

6.In the light of the above, this Writ Petition is disposed of with liberty to the petitioner to move the State Government with a request seeking withdrawal of his lands from the acquisition, on the ground that they are no longer required for the purposes for which the acquisition was originally made. The petitioner shall make an application within a period of two weeks from the date of receipt of a copy of this order and the same shall be considered objectively by the Government after giving an opportunity to the petitioner. No costs.

27.02.2025

sjj

NCC: Yes/No

Index : Yes / No

Internet : Yes / No

To

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