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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P(MD)No.16232 of 2025
and
W.M.P.(MD) Nos.12329 & 12330 of 2025

P.R.Pandiyan,
General Secretary,
Tamilaga Cauvery Vivasayigal Sangam,
103-F, Cauvery Nagar,
New Bye Pass Road,
Mannargudi,
Thiruvaruru - 614 708,
and NO.163, Seetha Nagar 4th Street,
NJK Road,
Thanjavur 613 006. ... Petitioner

Vs

1. The Secretary,
Ministry of Environment, Forest and
Climate Change,
Union of India, New Delhi.

2. The State of Tamil Nadu,
Rep.By its Chief Secretary ,
Secretariat, Chennai - 600009.

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3. The Secretary,
Revenue and Disaster Management Department,
Secretariat, Chennai - 600009.

4. The Secretary,
Agriculture and Farmers Welfare Department,
Secretariat, Chennai - 600009.

5. The Secretary,
Water Resources Department,
Secretariat, Chennai - 600009.

6. The Secretary,
Tamil Nadu State Environmental Impact
Assessment Authority (SEIAA),
Secretariat, Chennai - 600009.

7. The State of Tamil Nadu,
Rep by its Assembly Secretary,
Legislative Assembly Department,
Secretariat, Chennai - 600009. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the Tamil Nadu Government Gazette No. 23 of 2023 dated 17.08.2023 (Tamil nadu Land Consolidation (For Special Projects) Act, 2023) passed by the 2nd respondent and quash the same as unconstitutional , arbitrary , and violative of fundamental rights under Articles 14, 19(1)(g), 21, and 300A of the constitution of India and

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consequently direct the Respondents to ensure that no action is taken under the 2023 Act that violates the Tamil Nadu Protected Agricultural Zone Development Act, 2020, and the Tamil Nadu Cultivating Tenants Protection Act, 1955.

For Petitioner : Mr.N.Sudhagar Nagaraj,

For Respondent : Mr.R.Vijaya Rajan (R1)
Central Government Standing Counsel

: Mr.P.Thilak Kumar (R2 to R7)
Government Pleader

O R D E R

[Order of the Court was made by S.M.SUBRAMANIAM, J.]

The writ on hand has been instituted to call for records pertaining to the Tamil Nadu Government Gazette No. 23 of 2023 dated 17.08.2023, passed by the second respondent and consequently direct the respondents to ensure that no action is taken under the 2023 Act that violates the Tamil Nadu Protected Agricultural Zone Development Act, 2020 and the Tamil Nadu Cultivating Tenants Protection Act, 1955.

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2.The learned Counsel for the petitioner would mainly contend that the impugned Act No.23 of 2023 adversely affect the farmers and some of the provisions are contravening the provisions of other enactments, which are beneficial for the farmers.

3.The Act is enacted by the Legislative Assembly of the State of Tamil Nadu and the Act is called as the Tamil Nadu Land Consolidation (for Special Projects) Act, 2023. Act No.11 of 2020 is Tamil Nadu Protected Agricultural Zone Development Act, 2020. These are all special enactments and the Legislature in its wisdom framed a policy for development. Certain consequences if any arise during implementation of the Act, it is for the aggrieved person to approach the Court. Contrarily, the Court in exercise of powers of judicial review cannot declare the Act/enactment as *ultra vires* unless it is established that any of the provisions are contravening the constitutional provisions or directly in violation of any other law.

4.High Court is not expected to read down the provisions in the

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enactment so as to give different meaning. The language in the enactment is to be understood in a simple manner as expressed in the statute and reading down the provision by the High Court in exercise of the powers of the judicial review is exceptional, where the High Court forms an opinion that the objectives in the said enactment are not met with. In all other circumstances provisions cannot be read down by the High Court so as to give different meaning to any of the provisions and the enactments based on conjecture and surmises. Thus, the scope of challenging the enactment as unconstitutional is limited and power of judicial review cannot be expanded so as to scrutinize the policy involved in the enactment, in the absence of any specific instances to establish that any of the provision is unconstitutional. The petitioner in the present case concentrated only on the adverse consequences, which cannot be presumed at this juncture and therefore, if any person aggrieved on account of the implementation of the Act, such an aggrieved person may approach the competent forum for redressal of his grievances.

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5.With these observations, the writ petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

[S.M.S., J.] [A.D.M.C., J.]
17.06.2025

Index:Yes/No
Internet:Yes/No
NCC:Yes/No

LR

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S.M.SUBRAMANIAM, J.
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