



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-03-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 6448 of 2020

M.Shanthi
W/o.Muthusamy,
No.696, H3, Anbu Nagar,
Salem Road, Namakkal.

Petitioner(s)

Vs

1. The State Government of Tamil Nadu,
Rep. by its Commissioner,
Land Acquisition Department,
Fort St. George, Chennai 600 009.

2.The Collector,
Namakkal District, Collector Office
Complex, Land Acquisition department,
Namakkal.

3.The District Revenue Officer,
Land Acquisition Department,
Namakkal District, Namakkal.

4.The Special Tahsildar,
Land Acquisition, Namakkal Taluk,
Namakkal District.

5.The Commissioner,
Namakkal Municipality, Namakkal.

Respondent(s)

PRAYER

Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari, Calling for the records of the proposed land



Acquisition as per the impugned order dated 01/11/2019 in Na.Ka.No.10263 /2019 /F1 passed by the 5th respondent in respect of schedule mentioned property to an extent of 89,027 Sq.ft which is morefully and particularly described in the petition schedule property and quash the same.

For Petitioner(s): Mr. N.Devarajan
For Respondent(s): Mr.C.Gowthamaraj, GA for R1 to 4
Mr.M.Rajamathivathanan, St.counsel for R5

ORDER

This writ petition has been filed against the impugned order dated 01.11.2019 passed by the 5th respondent.

2. The learned counsel for the petitioner would submit that in this case, a communication was issued by the respondent by stating that they are intend to acquire the subject land for the purpose of expansion. However, the said communication was issued without any prior notice under Section 4(1), 5(A) or 6 of the Land Acquisition Act, 1894, which is not in accordance with law.

3. Further, he would submit that after the acquisition of land, no further activities were carried out and now, the entire project has been diverted and the road was laid in different part of Namakkal Municipality. Hence, this writ petition.



4. In reply, the learned counsel for the 5th respondent filed a counter by stating that the proposed scheme roads will be formed by this respondent Municipality after getting necessary orders from the Government and depending upon the necessary funds. Further, they had ensured that the respondents will strictly follow the rules and regulations incorporated in the Land Acquisition Act, 1894 while acquisition of petitioner's land for forming the proposed scheme roads.

5. Heard the learned counsel for the petitioner and the respondents and also perused the entire materials available on record.

6. In the case on hand, the 5th respondent, vide his counter, had clearly stated that roads will be formed by the Namakkal municipality only after getting necessary orders from the Government and depending upon the necessary funds. Further, they had ensured that they will follow due process of law while acquiring the petitioner's land. When such being the case, the petitioner need not to be worried about the impugned order. Even if the respondents are intend to acquire the land, they will acquire the same by following the due process of law and in accordance with the provisions of the Land Acquisition Act, 1894.



7. In view of the above, this Court directs the respondents not to acquire the petitioner's land without following the due process of law.

8. With the above directions, this writ petition is disposed of. No cost.

05-03-2026

nsa

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

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KRISHNAN RAMASAMY J.
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