
(2004) 10 MAD CK 0028

In the Madras High Court

Case No : Writ Petition No. 10662 of 1997

Danaraj and Peaulah Danaraj

APPELLANT

Vs

The State of Tamil Nadu

RESPONDENT

Date of Decision : 13-10-2004

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 10 MAD CK 0028

Hon'ble Judges : A.K. Rajan, J

Bench : Single Bench

Advocate : P. Jagadeesan, for the Appellant; R. Lakshmi Narayanan, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

A.K. Rajan, J.—This writ petition has been filed for the issuance of a writ of Certiorari, to call for the records pertaining to the Land

Acquisition proceedings issued u/s 4(1) in G.O.Ms. No. 130/Electronics, Science and Technology dated 02.11.1988 published the same in the

Gazette on 23.11.1988 and Section 6 declaration issued in G.O.Ms. No. 941/ Industry dated 18.12.1989 published the same in the Gazette on

19.12.1989 and quash the said proceedings in so far as the petitioners lands in S.. No. 673 of an extent of 3785 sq. ft. of Hosur Village, Hosur

Taluk, Dharmapuri District.

2. The petitioner has challenged the land acquisition proceedings. The land has been acquired following the procedures specified under the Act.

The only ground on which the writ petition is challenged, is the land acquired is the only land available for the petitioner in which he puts up

construction and the petitioner is deprived of his shelter. This argument is not

acceptable and for this reason the acquisition proceedings cannot be quashed.

3. From the counter affidavit, it is seen that the land is acquired for expansion of electronic exchange which is for the public purpose. Though

earlier the property was acquired for Housing purpose, subsequently the object has been changed and the construction of houses were dropped

and it is to be given to the electronic exchange for the expansion. Since the expansion of electronic exchange is for the public purpose, it will

outweigh the interest of the individual whether there is conflict between public right and individual right, the public right will prevail over the

individual right. In such circumstances, the hardship expressed by the petitioner can be compensated only by way of compensation for the loss

sustained by him. Apart from that, no other relief can be granted. In this circumstances, the prayer in the writ petition cannot be allowed and the

acquisition proceedings cannot be quashed.

4. It is open to the petitioner to approach the authorities for any other relief, and it is for the authorities to pass appropriate orders in accordance

with law and on merits.

5. In the result, the writ petition is dismissed. No costs.