

W.P.Nos.2330, 2234 & 2238 of 2021

N.SESHASAYEE, J.,

The prayer sought in these cases though fall is similar to one involved in W.P.No.19313 of 2020, the one fact which disclosed is that notification of acquisition is published in a certain aaily called 'Trinity Mirror', which is said to have wide circulation in Hosur Taluk.

2.1 Not only the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, even the State Enactments on the land acquisition require newspaper publication atleast in one English and one Vernacular newspapers having wide circulation in that locality.

2.2 The point here is, while the word 'locality' is not defined, whether it will mean a particular village where the property is situated, or the Taluk or the District concerned. Secondly, it is not known whether this daily 'Trinity Mirror' has such wide circulation throughout the District, and what is the need to opt for this daily when there are other popular newspapers with greater circulation. Thirdly, whether circulation

implies mere sale of number of copies of the newspaper, or does it amount to readership. If the intent of the statute is to ensure that the notification of an intended acquisition reaches as many people in the locality as possible, then it can only signify the readership, and not the sale of newspaper copies.

3. This apart, atleast there are four authorities, where the Hon'ble Supreme Court as well as this Court has frowned upon the practice of causing paper publication in less known newspaper with least known circulation in a locality, and they are :

- (a) ***Special Deputy Collector, Land Acquisition, CMDA Vs. J.Sivaprakasam and Others*** [(2011) 1 SCC 330]
- (b) ***Tamil Nadu Housing Board Vs. S.Doraisamy*** [2020 (2) CTC 670]
- (c) ***Kolammal (deceased by L.Rs) & Anr. Vs. State of Tamil Nadu & Ors.*** [AIR 2007 Mad 258]
- (d) ***N.Chelladurai Vs. Government of Tamil Nadu*** [2000 (III) CTC 215]

4. To opt for publication of an intended acquisition in little known newspapers may amount to a fraud on the statute, and a fraud on the right to property of the citizens. Of all the four citations herein above quoted, the earliest judgment delivered was on 30.06.2000 [reported in 2000 (III) CTC 215], and this Court is at a loss to understand why after

two decades, the bureaucracy has not considered it necessary to appreciate what the law on subject is. Should the Court presume that the bureaucracy has not considered Article 261 of the Constitution of this country as worthy of respect? This Court, hence, suo moto impleads the Chief Secretary, Government of Tamil Nadu, as the fifth respondent in this matter.

5. Mr.V.Anandamurthy, learned Additional Government Pleader takes notice for the respondents.

6. Post the matter on 12.02.2021.

05.02.2021

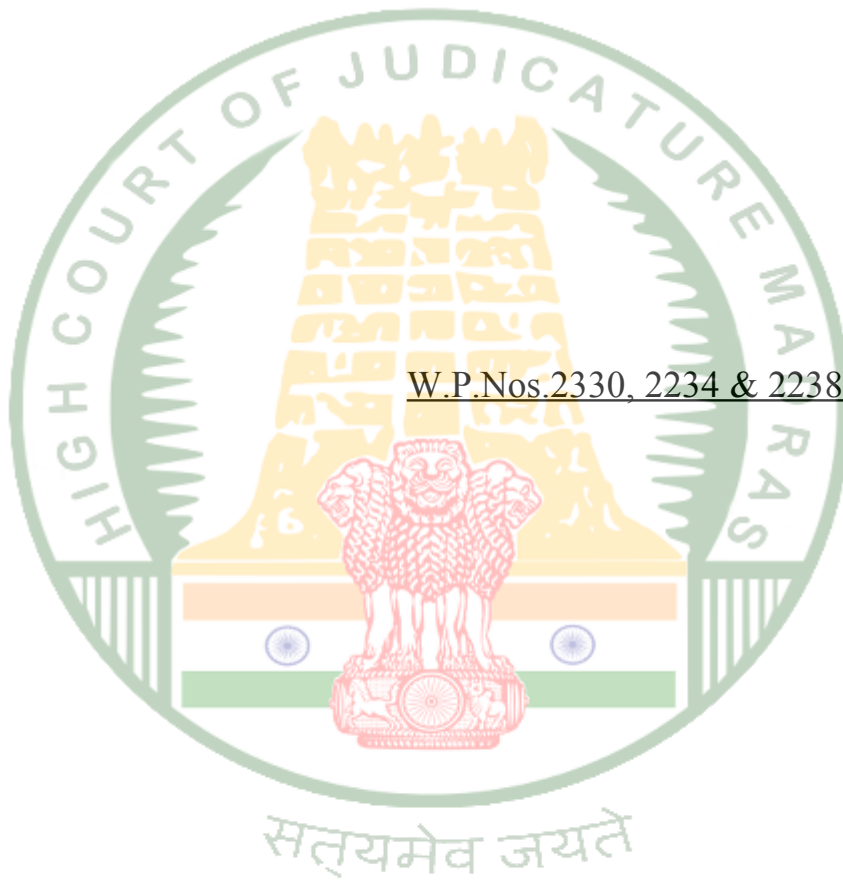
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