

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

CORAM

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.22664 of 2014
and M.P.No.1 of 2015

1.Meenakshi
2.Narmatha
3.Senthil Kumar .. Petitioners

Vs

1.The Principal Secretary to
Government of Tamil Nadu,
Highways and Minor Ports
(HW2) Department,
Fort St.George, Chennai - 600 009.
2.The District Collector,
Kancheepuram, Kancheepuram District.
3.The Special Tahsildar (Land Acquisition)
Inner Ring Road Plan,
Chrompet, Chennai - 600 044. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to pass award in pursuance of the notice issued by the 2nd respondent herein in Na.ka.No.13085/F3 dated 29.11.2013 under Sec.19(5) and 19(7) of Tamil Nadu Highways Act 2001 and consequently pay the compensation amount to the petitioner's herein.

For Petitioners : Ms.Vijayakumari Natarajan

For Respondents 1 to 3: Mr.R.Lakshminarayanan

Additional Government Pleader

For Respondent 4 : K.Gajalakshmi

Party-in-Person

ORDER

Heard Ms.Vijayakumari Natarajan, learned counsel appearing for the petitioner; Mr.R.Lakshminarayanan, the learned Additional Government Pleader appearing for the respondents 1 to 3 and Ms.K.Gajalakshmi, Party-in-Person and with their consent, this Writ Petition is taken up for final disposal.

2. The petitioner seeks for a direction upon the third respondent to finalise the proceedings pursuant to the notice dated 29.11.2013, issued under Section 19(5) & 19(7) of the Tamil Nadu Highways Act 2001, by considering the petitioner's written submission dated 12.12.2013.

3. The learned Additional Government Pleader submitted that reasonable time may be granted to the third respondent to finalise the matter, after hearing the parties.

4. In the interregnum, an impleading petition has been filed by one K.Gajalakshmi, D/o.(Late) K.M.Kamalakannan stating that her mother's brother is Alagesan; he died leaving behind four legal heirs viz., (i)Kullammal (ii)Meenakshi (iii)Narmadha (iv) Senthil Kumar. One of the legal heir Kullammal, died in the year 2002 and hence her daughter, son and pre-deceased son's wife, daughter and son become the legal heirs of the deceased Kullammal. With these facts, the said Gajalakshmi, who is appearing in person seeks to implead herself as a party respondent in the Writ Petition.

5. In my view, the question of impleading the said Gajalakshmi does not arise and unnecessary, since this Court is not adjudicating the title of the property. Hence M.P.No.1 of 2015 is disposed of, leaving it open to the impleading petitioner to work out her remedy before the appropriate forum in the manner known to law.

6. The Writ Petition is disposed of directing the third respondent to conclude the proceedings pursuant to the notice dated 29.11.2013, after considering the petitioners' written submissions and after notice to the petitioners' and also others who are likely to be affected after affording an opportunity of personal hearing. The above exercise shall be completed within a period of eight weeks. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ds

To

1.The Principal Secretary to
Government of Tamil Nadu,
Highways and Minor Ports (HW2) Department,
Fort St.George, Chennai - 600 009.

2.The District Collector,
Kancheepuram, Kancheepuram District.

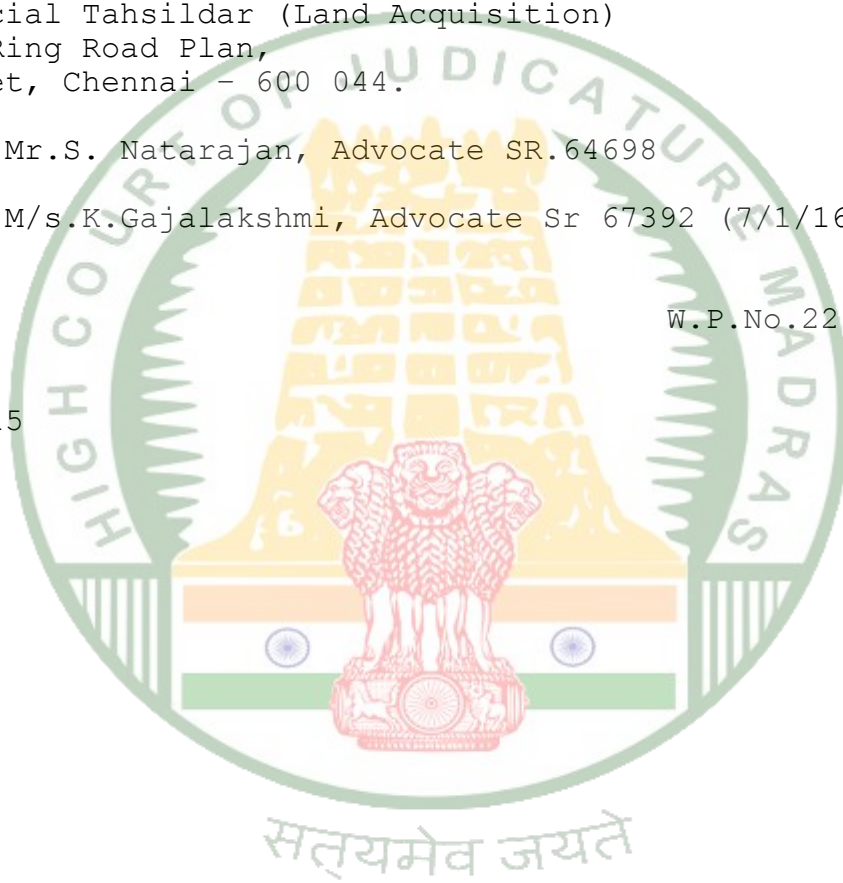
3.The Special Tahsildar (Land Acquisition)
Inner Ring Road Plan,
Chrompet, Chennai - 600 044.

+ 1 cc to Mr.S. Natarajan, Advocate SR.64698

+ 1 cc to M/s.K.Gajalakshmi, Advocate Sr 67392 (7/1/16)

W.P.No.22664 of 2014

SV(CO)
EU 22.12.15



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