

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No.29575 of 2014 &
M.P.No.1 of 2014

C.Kamatchi

.. Petitioner

v.

1.The District Collector-Cum-Arbitrator
Under the National Highways Act
Collectorate, Kancheepuram
Kancheepuram District.

2.The Competent Authority &
Special District Revenue Officer (L.A)
National Highways
Kancheepuram
Kancheepuram District.

3.National Highways Authority of India
Rep by its Project Director
Project Implementation Unit
No.1/54-28
Butt Road, St.Thomas Mount
Near Kathipara Junction
Chennai 600 016.

4.The Divisional Engineer
[Highways]
Construction and Maintenance
Chennai City Road Division
Saidapet, Chennai 600 015.

.. Respondents

[R4 impleaded as per order of the Court dated 21.01.2015 in M.P.No.1 of 2015 in W.P.No.29575 of 2014]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus forbearing the respondents from dispossessing the petitioner from land under Survey No.178/2b to an extent of 3976 square feet covered under the registered sale deed No.11713/2007 dated 31.12.2007, without following due process of law.

For Petitioner : Mr.D.Muthukumar

For Respondents : Mr.V.Subbiah,

Spl. Govt. Pleader, for R1, R2 and R4

Ms.G.Hema, for M/s. Wilson

Associates for R3

ORDER

The petitioner has filed the above writ petition to issue a writ of mandamus forbearing the respondents from dispossessing her from the land in Survey No.178/2b, measuring an extent of 3976 square feet covered under the registered sale deed dated 31.12.2007, without following due process of law.

2. According to the petitioner, the respondents are taking coercive steps to acquire the land even without following the due process of law. Mr.V.Subbiah, learned Special Government Pleader appearing for the respondents 1, 2 and 4 submitted that the respondents are not taking any steps to acquire the land and that the respondents also filed a counter affidavit, wherein they have stated that the land in S.No.178/2b belonging to the petitioner is not required for road widening. That apart, the learned Special Government Pleader also produced a letter dated 16.02.2015 sent to him by the Competent Authority and Special District Revenue Officer [LA], National Highways, Kancheepuram, wherein it has been stated that the land owned by the petitioner which is the subject matter in W.P.No.29575 of 2014 is not required for widening of National Highway-45.

3. Though the respondents 1, 2 and 4 have filed their counter in the month of December, 2014 and on 11.02.2015 itself, the petitioner has not filed any reply to the same. However, the learned counsel for the petitioner submitted that even after the filing of the writ petition, the respondents are excavating the land belonging to the petitioner. The said allegation was denied by the learned Special Government Pleader as well as by the third respondent in their counter. The learned counsel for the petitioner also produced some photographs showing some excavation work is being carried on in the property. However, whether the photographs produced by the learned counsel for the petitioner pertains to the property of the petitioner is not known to this Court. Therefore, whether the respondents are excavating the land belonging to the petitioner or not is a matter for evidence, and the same cannot be decided in the writ petition under Article 226 of the Constitution of India.

4. Since the land belonging to the petitioner which is the subject matter in this writ petition is not required for widening of the National Highway, I do not find any reason to keep the writ petition pending, any further. Recording the submissions of the learned Special Government Pleader and also taking into consideration the averments stated in the counter affidavit filed by the respondents 1, 2 and 4 and also the counter affidavit of the third respondent, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar

gms

To

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4.The Divisional Engineer
[Highways]
Construction and Maintenance
Chennai City Road Division
Saidapet, Chennai 600 015.

+ 1 cc to Mr.P. Wilson Associates Advocate SR.8546
+ 1 cc to Mr.A. Muthukumar, Advocate SR.8380
+ 1 cc Government Pleader Sr.8785

RJ(CO)
EU 05.03.2015

W.P.No.29575 of 2014

सत्यमेव जयते

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