

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.38707 of 2015 &
M.P.No.1 of 2015

Selvaraj

[PETITIONER

Vs

- 1 The State of Tamil Nadu
rep by Deputy Tahsildar (Land Acquisition)
Tamil Nadu City Development Scheme Phase III
Poonamallee, Chennai - 56.
- 2 The Assistant Divisional Engineer
Highways and Construction and Maintenance
Tambaram Sub Division, Chennai - 42

[RESPONDENTS]

PRAYER: Petition filed Under Article 226 of the Constitution of India praying to issue Writ of mandamus to forbear the respondents their men, agents, servants or subordinates or anybody acting on their behalf from in any way proceeding further under the land acquisition Act taking possession interfering with petitioner's peaceful possession and enjoyment of the land situated in S.No. 2/B1B part at Sholinganallur Village without paying adequate and fair compensation.

For Petitioner : Mrs.Selvi George

For Respondents : Mr.R.Rajeswaran
Spl.Govt. Pleader

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal.

2.Heard Mrs.Selvi George, learned Counsel appearing for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader who accepts notice for the respondents.

3.The petitioner seeks for issuance of a writ of mandamus to forbear the respondents their men, agents, servants or subordinates or anybody acting on their behalf from in any way proceeding further under the land acquisition Act, taking possession, interfering with his peaceful possession and enjoyment of the land situated in S.No. 2/B1B part at Sholinganallur Village, without paying adequate and fair compensation.

4.It is seen that the notice was issued by the second respondent on 23.10.2015, stating that the petitioner has encroached into the Highways properties and the petitioner was granted seven days time to remove the encroachment and such notice was issued in terms of Rule 28(2)(ii) of the Tamil Nadu Highways Act, 2001. The petitioner has submitted his objection on 31.10.2015.

5.The learned Special Government Pleader appearing for the respondents submitted that the petitioner may appear before the second respondent and place his objections.

6.Accordingly, the petitioner is directed to appear before the second respondent along with the copy of this order and submit his objections to the notice dated 23.10.2015, which shall be considered by the second respondent in accordance with law and an order shall be passed, within a period of two weeks from the date of receipt of the objections to be submitted by the petitioner.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

सत्यमेव जयते

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

rpa

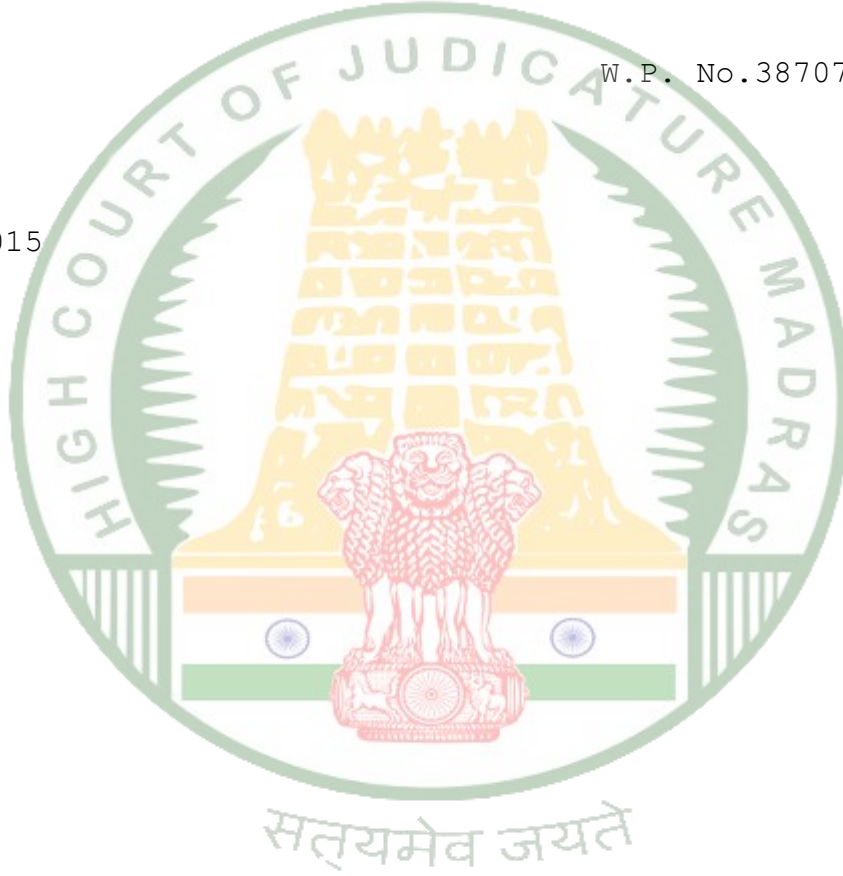
To

- 1 The Deputy Tahsildar (Land Acquisition)
Tamil Nadu City Development Scheme Phase III
Poonamallee, Chennai - 56.
- 2 The Assistant Divisional Engineer
Highways and Construction and Maintenance
Tambaram Sub Division, Chennai - 42

+1 cc to M/s.Selvi George Advocate sr.67448
+1 cc to Government pleader sr.67220

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