

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2015

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.NoS.3991 and 3992 of 2015

&

M.P.Nos.1 +1 of 2015

V.P.D.Harisudhakar ... Petitioner
in W.P.No.3991 of 2015

V.P.D.Muralimanohar ... Petitioner
in W.P.No.3992 of 2015

vs.

1.The Chief Engineer (General)
Highways Department
State Highways Authority
Chepauk
Chennai - 600 005

2. The District Collector
Coimbatore District
Coimbatore - 641 018

3.The Divisional Engineer
(Construction and Maintenance)
Department of Highways
Trichy Road
Coimbatore - 641 018

4. The Assistant Divisional Engineer
(Construction and Maintenance)
Highways Department
Trichy Road
Coimbatore - 641 018

... Respondents
in both the petitions

Prayer in W.P.No.3991 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from carrying on any road formation work in the patta land comprised in S.Nos.81, 82 and 91/1 of Vellimalaipatinam Village, Perur Taluk, Copimbatore District until the compliance of the procedure established by law under the Tamil Nadu Highways Act, 2001 and consequently direct them to restore the agricultural lands to its original position by considering the petitioner's representation dated 14.02.2015.

Prayer in W.P.No.3992 of 2015: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from carrying on any road formation work in the patta land comprised in S.Nos.78 and 79 of Vellimalaipatinam Village, Perur Taluk, Coimbatore District until the compliance of the procedure established by law under the Tamil Nadu Highways Act, 2001 and consequently direct them to restore the agricultural lands to its original position by considering the petitioner's representation dated 14.02.2015.

For Petitioners : Mr.N.Manokaran

For Respondents : Mr.S.Gunasekar
Government Advocate

COMMON ORDER

The petitioners seek for a issuance of writ of mandamus to forbear the respondents from carrying on any road formation work in the patta land in S.Nos.78, 79, 81, 82 and 91/1 of Vellimalaipatinam Village, Perur Taluk, Copimbatore District without complying with the procedure established under the Tamil Nadu Highways Act, 2001.

2. The petitioners would state that without resorting to the procedures under the act, the authorities, namely the respondents 3 and 4 are in the process of forming the road and thereby causing damage to the petitioners' land in S.Nos. 78, 79, 81, 82 and 91/1 of Vellimalaipatinam Village, Perur Taluk, Coimbatore District. In this regard, representations have been made to respondents 2 to 4 as well as to the Revenue Divisional Officer on 14.02.2015.

3. In the light of the above, a direction is issued to the third respondent to consider the representations made by the petitioners on 14.02.2015, conduct a spot inspection and examine as to whether the allegations made by the petitioners are correct and as to whether the road has been formed by encroaching into

the petitioners' patta land and pass appropriate orders on merits and in accordance with law within a period of one week from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

gpa

To

- 1.The Chief Engineer (General)
Highways Department
State Highways Authority
Chepauk
Chennai - 600 005
2. The District Collector
Coimbatore District
Coimbatore - 641 018
- 3.The Divisional Engineer
(Construction and Maintenance)
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4. The Assistant Divisional Engineer
(Construction and Maintenance)
Highways Department
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1 cc to Mr.N. Manokaran, Advocate sr. 8477

W.P.Nos.3991 and 3992 of 2015 &
M.P.Nos.1 + 1 of 2015

AG (CO)
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