

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.03.2015

Coram

The Hon'ble Mr. Justice M.DURAI SWAMY

W.P.No.5395 of 2015

and

M.P.No.1 of 2015

V.S.Muthumalai Nadar

.. Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Highways Department, Secretariat,
Fort St.George,
Chennai-600 009

2.The District Collector,
Kancheepuram District,
Kancheepuram

3.The Highways Rural Development Corporation,
rep.by its Special Tahsildar,
Land Acquisition, Inner Ring Road,
Chrompet, Chennai-600 044

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the second respondent to issue the fresh notification under the Tamil Nadu Highways Act, 2001 to acquire the petitioner's property situated at Kilambakkam Village, Urupakkam Panchayat, Kancheepuram District comprised in Survey No.161/1C1A2 measuring an extent of 1,860 square feet bearing Patta No.636 and to pay the compensation by fixing the present market value of the petitioner's property as per the petitioner's representation dated 31.01.2015.

For Petitioner .. Mr.M.Thamizhavel

For Respondents ... Mr.RM.Muthukumar,G.A.

ORDER

The petitioner has filed the above writ petition seeking a writ of mandamus to direct the second respondent to issue fresh notification under the Tamil Nadu Highways Act, 2001 to acquire his property situated at Kilambakkam Village, Urupakkam Panchayat, Kancheepuram District, comprised in Survey No.161/1C1A2, measuring an

extent of 1,860 square feet bearing Patta No.636 and to pay the compensation by fixing the present market value as per his representation dated 31.01.2015

2. Mr.RM.Muthukumar, learned Government Advocate takes notice for the respondents and submitted that the second respondent may be directed to dispose of the representation of the petitioner on merits and in accordance with law, within a stipulated time.

3. According to the petitioner, he sent a representation dated 31.1.2015 to the second respondent and the third respondent, who also acknowledged the same, however, they have not considered the same till this date.

4. Having regard to the submissions made by the learned counsel on either side and taking into account the limited prayer sought for in the writ petition, without expressing any opinion with regard to the merits of the case, I direct the second respondent to consider the representation of the petitioner, dated 31.1.2015 and dispose of the same on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5. The writ petition is disposed of with the above observation. No costs. Connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

Dated:9.3.15

True Copy

Sub Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu,
Highways Department, Secretariat,
Fort St.George, Chennai-600 009

2.The District Collector,
Kancheepuram District, Kan cheepuram

3.The Special Tahsildar,
The Highways Rural Development Corporation,
Land Acquisition, Inner Ring Road,Chrompet, Chennai-600 044

+1 cc to Government Pleader,SR.11570

+1 cc to Mr.M.Thamizhavel, Advocate,SR.11332.

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W.P.No.5395 of 2015