

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5941 of 2015

And

M.P.No.1 of 2015

D.Devanathan

... Petitioner

Vs.

1. The Divisional Engineer (C&M),  
The State Highways Authority,  
Vellore Division,  
Vellore - 600 009.

2. The Junior Engineer (C&M),  
The State Highways Authority,  
Vellore Division,  
Vellore - 600 009.

.... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents herein from demolishing the earmarked portion of 2 Feet width building situated in Door No.237, Survey No.179/1B situated in Vellore-Pakkam Road at Anaicut Village and Post, Vellore District

For Petitioner : Mr.L.Mahendran

For Respondents : Mr.V.Jayaprakash Narayanan  
Special Government Pleader

O R D E R

Heard Mr.L.Mahendran, learned counsel for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice on behalf of the respondents.

2.With the consent of the learned counsel on either side, the writ petition is taken up for disposal.

3.The petitioner seeks for a Mandamus forbearing the respondents herein from demolishing the building situated in Door No.237, Survey No.179/1B, Vellore-Pakkam Road at Anaicut Village and Post, Vellore District, to an extent of 2 Feet width.

4.The petitioner would state that for the purpose of widening of the State Highway, the North Western corner of the building is sought to be demolished. The petitioner would further state that there was no proper notice and measurements were not properly taken in the presence of the petitioner.

5.Admittedly, the petitioner has not challenged the notification issued under the Tamil Nadu State Highways Act and the present attempt appears to be to stall the road widening project. The averments made in the affidavit are absolutely without proof. Hence the relief sought for by the petitioner cannot be granted.

6.Accordingly, the writ petition is dismissed. However, it is open to the petitioner to submit a representation to the 2<sup>nd</sup> respondent to measure the property once again in his presence. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CO)

Dt:6/3/2015

True Copy

Sub-Assistant Registrar

To

1. The Divisional Engineer (C&M),  
The State Highways Authority,  
Vellore Division,  
Vellore - 600 009.

2. The Junior Engineer (C&M),  
The State Highways Authority,  
Vellore Division,  
Vellore - 600 009.

+ 1 cc to Mr.M.L.Mahendran, Advocate SR 12284

+ 1 cc to the Government Pleader High Court, Madras SR 12592

jp(co)  
prk6/3

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