

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.04.2016

Coram

The Hon'ble Mr. Justice T.S.SIVAGNANAM

Writ Petition Nos.34973 of 2015 and 1225 of 2016
&
Connected Miscellaneous petitions

1. Jayaraman

2. Thulasi

3. Gopala Krishnan ..Petitioners in W.P.No.34973 of 2015

4. Ramalinga Reddiar ..Petitioner in W.P.No.1225 of 2016

Vs.

1 The State of Tamil Nadu
rep. by its Secretary
High Ways Department
Secretariat
Chennai-9

2 The District Collector
Villupuram District

3. The Revenue Divisional Officer and
Land Acquisition Officer
Taluk Office, Tindivanam

4. The Divisional Engineer
Highways Department
State Highways Department
Tindivanam

5. The Chief Engineer (Construction)
Office of Chief Administrative Officer
Construction, Southern Railway
Egmore, Chennai-8...Respondents in both the writ petitions.

Common Prayer: Writ Petitions filed under Article 226 of the
Constitution of India, for issuance of Writ of Mandamus

forbearing the respondents from dealing with or constructing Railway over bridge on the petitioners property situate in Villupuram District, Tindivanam Taluk, Ward B, Block No.14, T.S.No.41, Old.S.No.156/7, measuring 03950 Sq.M and T.S.No.47/2, Old.S.No.91/18,19,20 measuring 00360 sq.m without issuing notification under Sec 15(1) of the Tamil Nadu Highways Act in consonance with petitioners' objections dated 07.04.2014 and 03.02.2014 to the 3rd respondent.

For Petitioners: Mr.D.Ravichander

For Respondents: Mr.R.Rajeswaran, Spl.G.P for R 1 to 4

Mr.P.T.Ramkumar for R5

COMMON ORDER

Heard learned counsel for the petitioners and the learned counsel for the respondents.

2. Though elaborate submissions are made on either side the dispute being in a very narrow campus, it would suffice to take note of only one fact i.e the petitioners does not want the authorities to proceed further in utilizing their lands without complying with the provisions of Tamilnadu Highways Act. The petitioners would state that notice under Section 15(2) of the Act ought to have been issued prior to proceeding further and without resorting to such procedure the land has been put to use. In this regard learned counsel for the petitioner referred to section 15 of the Tamilnadu Highways Act,2001.

3. In the counter affidavit filed by the Divisional Engineer (Highways), Projects, Cuddalore-1, the 4th respondent that any type of objections including the extent of land acquired can be raised u/s. 15(2) of the Act and that the petitioners are not deprived of any rights under the said provision and therefore the notice issue u/s.15(2) is proper. Further, in paragraph 18 of the counter affidavit it is admitted that notification u/s.15(1) of the Act has not been issued and u/s.15(2) was issued.

4. Learned counsel for the petitioner submitted that pursuant to the notice u/s. 15(2), the petitioners have submitted their detailed objections 03.02.2014, 05.02.2014 and on 07.04.2014. Since, it is admitted in the counter affidavit filed by the 4th respondent dated (04.12.2015) that that the matter is still in the stage of issuing the notification u/s.15 (1) of the Act, the respondents are directed to consider the objections and thereafter proceed in accordance with law.

5. With the above directions, the writ petitions are disposed of. The above direction shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

To

- 1 The Secretary
State of Tamil Nadu
High Ways Department
Secretariat, Chennai-9
- 2 The District Collector
Villupuram District
3. The Revenue Divisional Officer and
Land Acquisition Officer
Taluk Office, Tindivanam
4. The Divisional Engineer
Highways Department
State Highways Department
Tindivanam
5. The Chief Engineer (Construction)
Office of Chief Administrative Officer
Construction, Southern Railway
Egmore, Chennai-8

1 cc to Mr.D.Ravichander, Advocate, sr.25623

1 cc to Mr.D.Ravichander, Advocate, sr.25622[1/6/16]

1 cc to Mr.P.T.Ramkumar, Advocate SR 26137[24/06/2016]

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&
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kra 13.05.2016