

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2016

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24109/2016 & WMP.No.20633/2016

S.Ramamoorthi

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Petitioner

Versus

1.The Secretary

State Highways Department
Government of Tamil Nadu
Fort St George, Secretariat,
Chennai 600 009.

2.The Assistant Divisional Engineer

State Highways, Avadi,
Chennai 600 054.

3.The Tahsildar

Ambattur Taluk
Chennai 600 054.

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Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to desist from proceeding with digging processes or any other acts including taking over of the petitioner's property bearing Plot No.45/B presently Door No.19, Red Hills Road, Ram Nagar, Ambattur Comprised in Survey No.602/7 or any part thereof without following due processes of law.

For Petitioner : M/s.R.Priyakumar

For RR 1 to 3 : Mr.R.Govindasamy, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The grievance expressed by the petitioner is that though he is the sole and absolute owner of the house property bearing Plot No.45/B, Door No.19, Red Hills Road, Ram Nagar, Ambattur Comprised in Survey No.602/7, admeasuring to an extent of 1 ground and 1330 sq.ft., in approved layout

No.T.P./DTP No.250/1967, the respondents, without any authority, made some markings inside his property on the pretext of expansion of road, without adhering to the provisions of the Tamil Nadu Highways Act. In this regard, the petitioner has submitted a representation dated 08.07.2016 to the 2nd respondent and copies marked to the respondents 1 and 3 and since no response is forthcoming, he came forward to file the present writ petition.

3 Heard the learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, taking into consideration the above facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 08.07.2016 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. Till such time, the respondents shall defer any further decision.

5 The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP

To

1.The Secretary

State Highways Department

Government of Tamil Nadu

Fort St George, Secretariat,

Chennai 600 009.

2.The Assistant Divisional Engineer

State Highways, Avadi, Chennai 600 054.

3.The Tahsildar

Ambattur Taluk Chennai 600 054.

+ 1 cc to M/s.R.Priya Kumar, Advocate SR NO 9322[19/7/16]

1 cc to Government Pleader, sr.39696

W.P.No.24109/2016

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