

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.26940/2016 & WMP.No.23175/2016

S.Suthigadevi

..Petitioner

Versus

1.The District Collector
Salem District, Salem.

2.The Project Director,
National Highways Authority of India,
212-3-D3/1, Srinagar Colony
Narasothipatty, Salem.

3.The Chief General Manager
National Highways Authority of India,
Annex Building, SPIC Mount Road
Guindy, Chennai.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus for bearing directing the 2nd respondent from continuing with the construction of weigh bridge station in front of petitioner's property and southern side of property of the petitioner situated at Survey No.170/3B at Salem Main Road, Valakuttai, Olakkachinnanur village, Sankari Taluk, Salem District.

For Petitioner : Mr.S.Hemalatha

For R-1 : Mr.R.Govindasamy, Spl.GP

For RR2&3 : Mr.P.Wilson

ORDER

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

2. The petitioner claims to be the absolute owner of the piece and parcel of punja land admeasuring to an extent of 1.51 cents comprised in S.No.170/3B, 0.11 cents comprised in S.No.170/5A situate at Salem Main Road, Valakuttai, Olakkachinnanur village, Sankari Taluk, Salem District, through a registered Sale Deed bearing Document No.692/2007 dated 20.04.2007, registered on the file of the Sub Registrar, Sankari and claims to be in possession and enjoyment of the same and was also issued with Patta No.521 dated 27.11.2008.

The petitioner reliably came to know that the 2nd respondent,

viz., the National Highways Authority of India [NHAI], is proposed to construct a weigh bridge right in front of her property and in this regard, she was also issued a Legal Notice dated 13.07.2009 to the respondents to forthwith drop the proposal forthwith and despite that the 2nd respondent have raised the ground level by 10 feet and since the transformer located, is in a very precarious and dangerous condition on account of the raising of the ground level and the petitioner had also approached the Assistant Engineer [Operation and Maintenance] of Tamil Nadu Electricity Board, Vaikundam, who has informed the petitioner vide communication dated 18.05.2011 that the high tension/low tension lines with low ground clearance near the Toll Plaza have been temporarily rectified by raising the line level to some extent and that NHAI has also been addressed to reconstruct the above lines to the safe level. The grievance expressed by the petitioner is that though she took a decision to construct a multi-storeyed building as a commercial complex, on account of the location of the Toll Plaza, she cannot have ingress or egress to the said property. In this regard, the petitioner has submitted a representations dated 08.06.2016 as well as 13.06.2016 to NHAI and the 1st respondent, vide communication dated 28.06.2016 has directed the 2nd respondent to respond to the representation submitted by the petitioner and despite that, no orders have been passed and hence, she came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.R.Govindasamy, learned Special Government Pleader who accepts notice on behalf of the respondents 1 and 2 and Mr.P.Wilson, learned counsel who accepts notice on behalf of the 3rd respondent.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of 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 representations dated 08.06.2016 and 13.06.2016 respectively and also act on the communication of the 1st respondent dated 28.06.2016 in L.Dis.15442/2016/C3 and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The District Collector
Salem District, Salem.

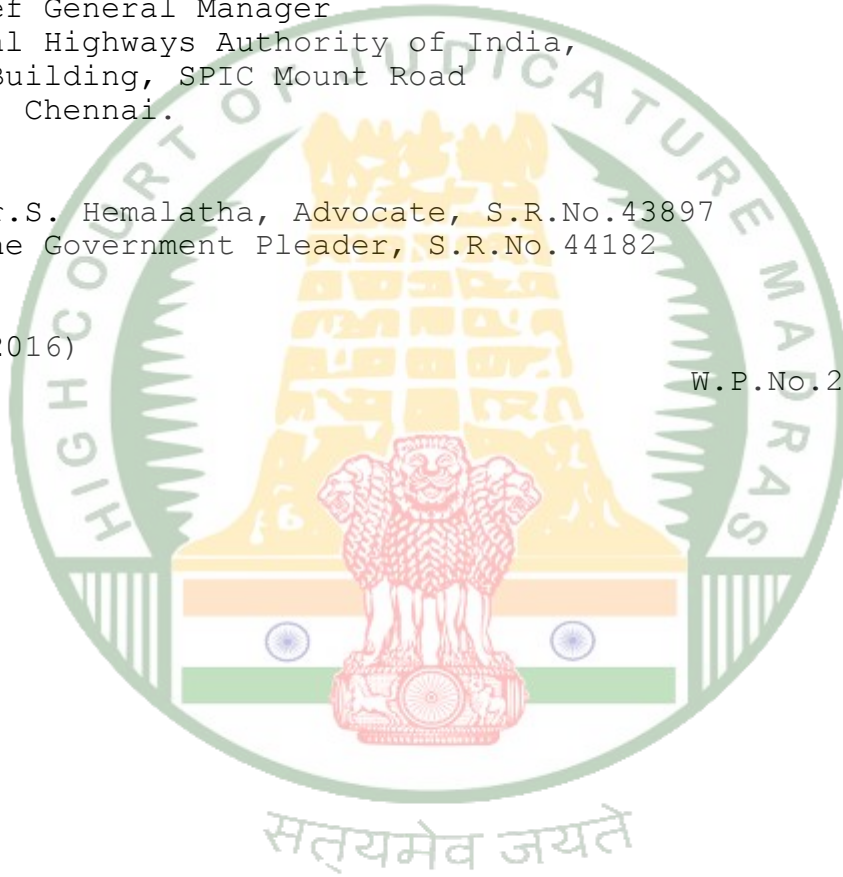
2.The Project Director,
National Highways Authority of India,
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Narasothipatty, Salem.

3.The Chief General Manager
National Highways Authority of India,
Annex Building, SPIC Mount Road
Guindy, Chennai.

+1cc to Mr.S. Hemalatha, Advocate, S.R.No.43897
+1cc to the Government Pleader, S.R.No.44182

CA(CO)
EU(01/09/2016)

W.P.No.26940/2016



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