

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 5/2/2016

C O R A M

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P.No.4347 of 2016

Peiryar Annasalai Kudiyiruppor Nala Sangam

rep. By its Member

Mr.Govindasamy

Karivedu Village

Vellore District.

.... Petitioner

Vs

1. Union of India
rep. By its Secretary
Department of Road Transport
and Highways
Parivahan Bhavan - 1
Parliament Street, New Delhi.
2. The Divisional Engineer
National Highways Authority of India
Thottapalayam
Vellore, Vellore District
Tamil Nadu.
3. The Chief General Manager (Tech)
Chennai Region
National Highways Authority of India
Sri Tower III Floor
DP-34 (sp) Industrial Estate
Guindy, Chennai 32.
4. The Technical Manager
National Highways Authority of India (NHAI)
Krishnagiri District
Krishnagiri.
5. The District Collector
Collectorate
Sathuvachari
Vellore.

6. The District Revenue Officer
Vellore District.
Vellore.
7. The Revenue Divisional Officer
Ranipet
Vellore District.
8. The Special Tahsildar
National Highways NH 4
Collectorate
Sathuvachari
Vellore.
9. The Village Administrative officer
Ocheri Village Post
Arakkonam Taluk
Vellore District.
10. The Junior Engineer
Tamil Nadu Electricity Board
Ocheri and Post
Arakkonam Taluk
Vellore District. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus directing the respondents to consider the petitioner's representation dated 21/1/2016 and further forbearing the respondents, their subordinates, men and agents from acquiring the lands and buildings situated in S.No.59/2 and 60/2 which was in possession of the petitioner members in Ocheri Village, Arakkonam Taluk, Vellore District, by allowing the present writ petition.

For Petitioner ... Mr.A.Gouthaman

For respondents ... Mr.Richardson
for M/s.Wilson Associates
for R.R.2, to 4.
Mr.R.Rajeswaran
Special Government Pleader
for R.R.5 to 9
Mr.M.Varunkumar
for R.10.

O R D E R

With the consent of the learned counsel appearing on either side, this writ petition is taken up for final disposal, at the admission stage itself.

2. Heard Mr.A.Gouthaman, learned counsel for the petitioner, Mr.Richardson for M/s.P.Wilson Associates, for the respondents 2 to 4, Mr.R.Rajeswaran, learned Special Government Pleader for the respondents 5 to 9 and Mr.M.Varunkumar for the tenth respondent.

3. This writ petition has been filed praying to direct the respondents to consider the petitioner's representation dated 21/1/2016 and further forbearing the respondents, their subordinates, men and agents from acquiring the lands and buildings situated in S.Nos.59/2 and 60/2 which was in possession of the petitioner members in Ocheri Village, Arakkonam Taluk, Vellore District.

4. At the outset, it has to be pointed out that Association cannot be an aggrieved person. So far as the land acquisition proceedings are concerned, as from the affidavit, filed in support of the writ petition, the petitioner Association- seek to canvass the case of the Members, who are said to be the land owners. In fact, earlier, the petitioner has approached this Court by filing a writ petition in W.P.No.28214 of 2004 for virtually the same relief and the writ petition was disposed of, on 12/10/2004. Placing on record the submission of the learned Government Advocate that the petitioner will not be evicted, without due process of law, it is not known as to why the respondents gave an undertaking after being aware of the fact that the petitioner was an Association.

5. Be that as it may, after about 10 years, now, the petitioner has come forward with this petition, stating that National Highways Department is attempting to dispossess them and the grievance of the petitioner is the land acquisition proceedings are not been properly made and the provisions of the National Highways Act have been flouted. If the National Highways is attempting to dispossess the petitioner, then the Tahsildar has completed the acquisition proceedings, handed over the possession to the Government and the lands would have been vested with the Government. However, the petitioner is not clear on facts. Further more, no representation has been submitted before the land acquisition Officer.

6. Mr.Richardson for M/s.P.Wilson Associates, learned counsel appearing for the respondents 2 to 4 submitted that if

the land acquisition proceedings are already been completed, the eighth respondent would become functus officio.

7. In any event, the grievance of the petitioner is that the proceedings have been made, without following the due process of law.

8. Therefore, while rejecting the prayer sought for, liberty is granted to the petitioner, to submit a representation, to the eighth respondent, setting out all the facts and giving the list of the land owners, who are set out to be evicted. If full particulars are given, the eighth respondent, shall inform the petitioner about the steps taken for the acquisition proceedings and thereafter, it is open to the land owners, to vindicate the grievance, in the manner known to law. The eighth respondent, shall dispose of the representation, within a period of four weeks, from the date of which the representation is made.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mvs.

To

1. The Secretary, Union of India
Department of Road Transport and Highways, Parivahan Bhavan -1
Parliament Street, New Delhi.
2. The Divisional Engineer
National Highways Authority of India, Thottapalayam
Vellore, Vellore District, Tamil Nadu.
3. The Chief General Manager (Tech), Chennai Region
National Highways Authority of India
Sri Tower III Floor, DP-34 (sp) Industrial Estate
Guindy, Chennai 32.

4. The Technical Manager
National Highways Authority of India (NHAI)
Krishnagiri District, Krishnagiri.
5. The District Collector, Collectorate
Sathuvachari, Vellore.
6. The District Revenue Officer
Vellore District, Vellore.
7. The Revenue Divisional Officer
Ranipet, Vellore District.
8. The Special Tahsildar, National Highways NH 4
Collectorate, Sathuvachari, Vellore.
9. The Village Administrative officer, Ocheri Village Post
Arakkonam Taluk, Vellore District.
10. The Junior Engineer
Tamil Nadu Electricity Board, Ocheri and Post
Arakkonam Taluk, Vellore District.

+1 cc to Government Pleader, sr.7920

+1 cc to Mr.A.Gouthaman, Advocate, sr.8285

W.P.No.4347 of 2016

svi co
kra 18.02.2016

सत्यमेव जयते

WEB COPY