

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.4829 of 2016

and

WMP.No.4176 of 2016

P.Padamchand Chordia

... Petitioner

vs.

1.National Highway Authority of India,
G-5 and 6, Sector 10,
Dwaraka, New Delhi - 110 075.

2.The Project Director,
National Highway Authority of India,
6, 1st Floor, 3rd Main Road,
Ponnagar, Trichy 620 001.

3.The Tahsildar,
Tahsildar's Office,
Ulundurpet.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to remove the fencing put up by them and restore to the petitioner land to an extent of 17 cents in S.No.320/6A1 in Senkurichi Village, Ulundurpet Taluk, Villupuram District forthwith, as per the petitioner's representation dated 18.08.2015.

For Petitioner : Mrs.R.Meenal

For Respondents : Mr.Richardson Wilson

for M/s.P.Wilson Associates (R2)

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents to remove the fencing put up by them and restore to the petitioner's land to an extent of 17 cents in S.No.320/6A1 in Senkurichi Village, Ulundurpet Taluk, Villupuram District forthwith as per his representation dated 18.08.2015.

2. Heard the learned counsel for the petitioner and the learned counsel for the second respondent.

3. It is the case of the petitioner that he was the owner of the lands measuring an extent of 20 cents in S.No.320-B and 1 acre 68 cents in S.No.320-B/6. While so, the National Highway Authority acquired a total extent of 1 acre and 73 cents of the petitioner's land under three proceedings and the petitioner owns only 17 cents of land. However, the respondents, instead of occupying and making use of the acquired lands, encroached into the petitioner's remaining extent of land and fenced it. Hence, the petitioner made several representations to the second respondent to remove the fencing and return back the possession of the land to him. On 31.12.2014, the second respondent directed the third respondent to send a sketch based on the surveyor's report. Accordingly, the sketch was handed over to the second respondent on 16.02.2015. Even thereafter, the second respondent did not take any action. Therefore, the petitioner has filed the present writ petition for the afore stated relief.

4. In support of the relief sought for herein, learned counsel for the petitioner reiterated the averments made in this writ petition. However, he submitted that it would be suffice, if a direction is given to the second respondent to consider the representation and sketch with regard to the alleged encroachment made by the respondents to be submitted by the petitioner.

5. In view of the submission so made by the learned counsel for the petitioner, this Court permits the petitioner to submit a fresh representation enclosing a copy of the sketch and other necessary documents, if any, along with a copy of this order, to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On filing of such representation, the second respondent shall consider the same and pass appropriate orders, after providing due opportunity of personal hearing to the petitioner, within a period of four weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate orders purely on merits and in accordance with law.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(AS)

//True Copy//

Sub Assistant Registrar

rk

To

1.The Chair Person National Highway Authority of India,
G-5 and 6, Sector 10,
Dwaraka, New Delhi - 110 075.

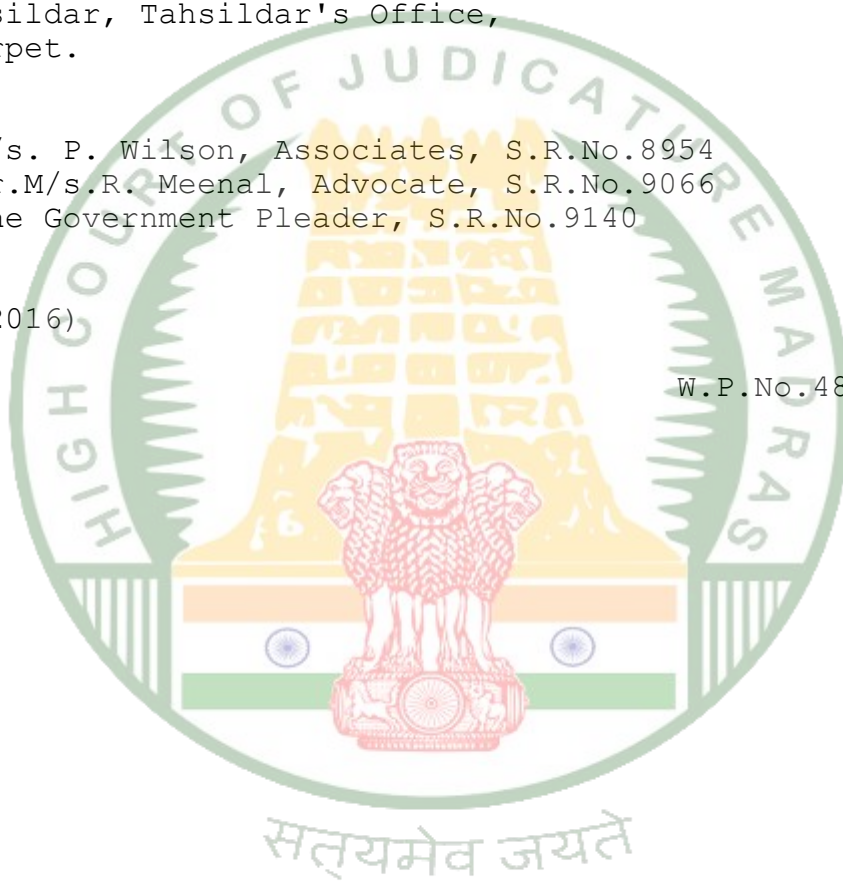
2.The Project Director,
National Highway Authority of India,
6, 1st Floor, 3rd Main Road,
Ponnagar, Trichy 620 001.

3.The Tahsildar, Tahsildar's Office,
Ulundurpet.

+1cc to M/s. P. Wilson, Associates, S.R.No.8954
+1cc to Mr.M/s.R. Meenal, Advocate, S.R.No.9066
+1cc to the Government Pleader, S.R.No.9140

SKV(CO)
EU(09/03/2016)

W.P.No.4829 of 2016



WEB COPY