



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 17.08.2016

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE M.VENUGOPAL

W.P(MD)No.12831 of 2016

and

W.M.P (MD)No.9702 of 2016

S.Muthurajsakaravarthi

... Petitioner

Vs

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Special District Revenue Officer,
(Land Acquisition),
Tamil Nadu Highways Department Scheme-I,
Tirunelveli-11.
3. The Divisional Engineer,
Highways, Tamil Nadu Road Sector Project,
Backside of VMS Marriage Hall,
Maharaja Nagar,
Tirunelveli-11.
4. The Divisional Engineer,
Construction and Maintenance,
Tamil Nadu Road Development Project No.II,
Tirunelveli.

R4 was suo-motu impleaded as per order of this Court,
dated 17.08.2016

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the Respondents not to lay any road without following the procedures contemplated under Tamil Nadu Highways Act, 2001, in the Petitioner's property in S.No.127/8 vide patta No.3990, situated at Navaladi Panchayat, Karachathu Puthur Village, Radhapuram Taluk, Thisaiyanvilai Sub-Register, Tirunelveli District by considering the Petitioner's representation, dated 6.6.2016.

For Petitioner : M/s.J.David Ganeshan

For Respondents : Mr.V.Pandi

Govt.Advocate

**ORDER**

Heard both sides.

2.By consent of both sides, the main Writ Petition itself is taken up for final disposal.

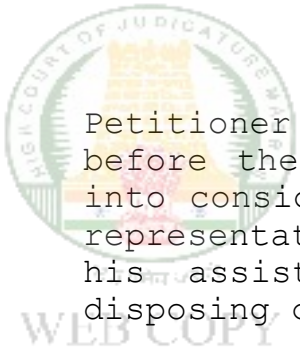
3.No counter is filed on behalf of the Respondents No.1 to 4.

4.The grievance of the Petitioner is that the property in S.No.127/8, measuring an extent of 0.8.50 hectare originally belongs to him and all revenue records and other title documents stands in his name. Further, he obtained the property through registered Settlement Deed, dated 26.2.2014(bearing Document No.509/2014).

5.In this connection, the stand of the Petitioner is that the Respondents have no power to acquire his land without following the mandatory provisions enunciated under the Tamil Nadu Highways Act, 2001. As a matter of fact, he sent a representation, dated 6.6.2016 to the First Respondent. But till date, his representation has not been considered in a proper perspective. Hence he has filed the present Writ Petition.

6.At this stage, the Learned Government Advocate for the Respondents 1 to 4 brings it to the notice of this Court that based on the Petition of one S.Muthuraj, son of Subramanian, residing at No.1/186, Main Road, Navaladi, Radhapuram Taluk, Tirunelveli District dated, 1.7.2016, the Third Respondent had addressed a communication on 8.7.2016 to the Divisional Engineer (Highways), Construction and Maintenance, Tirunelveli, inter-alia stating that the Navaladi village bearing S.No.127/8 vide patta No.3900 does not belong to Tirunelveli Division and it relates to Construction and Maintenance Division, Tirunelveli and that the original petition was sent for taking further action. In fact, a copy of the said letter/communication was addressed to the Petitioner addressed therein/S.Muthuraj.

7.Considering the fact that the Navaladi Village bearing S.No.127/8, vide Patta No.3990 comes within the purview of Construction and Maintenance Division, Tirunelveli, to secure the ends of justice, the Petitioner is directed to submit a fresh representation addressed to the Fourth Respondent/The Divisional Engineer, Construction and Maintenance, Tamil Nadu Road Development Project No.II, Tirunelveli within a period of two weeks from the date of receipt of a copy of this order and to seek appropriate remedy for redressal of his grievance in the manner known to Law and in accordance with Law. In the event of the Petitioner projecting a petition within the time prescribed by this Court, it is needless for this Court to make a specific mention that the Fourth Respondent to look into the same and pass necessary orders within a period of two weeks thereafter. It is open to the



Petitioner to produce copies of all necessary/relevant documents before the Fourth respondent and the Fourth Respondent shall take into consideration of the same at the time of disposal of the fresh representation submitted by him. The Petitioner is directed to lend his assistance and co-operation to the Fourth Respondent, in disposing of his representation within the time fixed by this Court.

8. With the aforesaid observation(s) and direction(s), the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Special District Revenue Officer,
(Land Acquisition),
Tamil Nadu Highways Department Scheme-I,
Tirunelveli-11.
3. The Divisional Engineer,
Highways, Tamil Nadu Road Sector Project,
Backside of VMS Marriage Hall,
Maharaja Nagar,
Tirunelveli-11.
4. The Divisional Engineer,
Construction and Maintenance,
Tamil Nadu Road Development Project No.II,
Tirunelveli.

+ 1 CC TO MR.J.DAVID GANESAN, ADVOCATE IN SR No. 45839
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 45331

VSN

TE/KP : 01/09/2016 : 3P/7C

W.P (MD) No.12831 of 2016
and

W.M.P (MD) No.9702 of 2016
17.08.2016