

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION NO.8215 of 2017

and

W.M.P.Nos.8970 & 8971 of 2017

T.Kasi Ananthan

...Petitioner

Vs.

1. The Divisional Engineer,
Chennai City Roads Division,
Chennai-600 015.
2. The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Plan,
Division-IV,
Chennai-600 016
3. The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance Office,
Tambaram Sub Division,
Chennai - 600 042.
4. The Special Deputy Collector,
Land Acquisition,
Tamil Nadu Urban Development Scheme (III)
New Street, Super Bazaar,
Commercial Complex,
Alandur, Chennai-600 016.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 4th respondent impugned notice dated 23/11/2016, in proceedings No. Na.Ka.326/2016/A1, and quash the same and consequently forbearing the 2nd and 3rd respondents from demolishing the building comprised in Survey No.411/15, D.No.1/257(Ambal Stores) at Medavakkam Village, Sholinganallur Taluk, Kancheepuram District, Chennai-600 100.

For Petitioner : Mr.Sankar Ramasamy
For Respondents : Mr.P.V.Selva Kumar,
Additional Government Pleader

O R D E R

Heard Mr.Sankar Ramasamy, learned counsel appearing for the petitioner and Mr.P.V.Selvakumar, learned Additional Government Pleader appearing for the respondents.

2.The petitioner, who is a land owner has come forward to file this writ petition challenging the notice issued under Section 15(2) of the Tamil Nadu Highways Act, 2001 (hereinafter referred to as "the Act").

3.The petitioner has come to this Court even before a final decision is taken by the State Government. Notice issued under Section 15(2) of the Act is only a preliminary one and thereafter, an order has to be passed on consideration of the available materials vis-a-vis the objections, if any, under Section 15(3) of the Act. After the same, a notification has to be issued under Section 15(1) of the Act. Hence, the writ petition filed by the petitioner is pre-mature.

4.The learned counsel appearing for the petitioner would submit that there is an attempt to demolish the property of the petitioner.

5.Considering the above said submission, this Court is of the view that there cannot be any dispossession at the stage of notice issued under Section 15(2) of the Act which might arise after issuing notification under Section 15(1) of the Act.

6.With the above observation, this writ petition is dismissed. However, the dismissal of this writ petition will not stand in the way of the petitioner challenging the notification, if any, under Section 15(1) of the Act. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

cse/kas

To

1. The Divisional Engineer,
Chennai City Roads Division,
Chennai-600 015.

2. The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Plan,
Division-IV,
Chennai-600 016

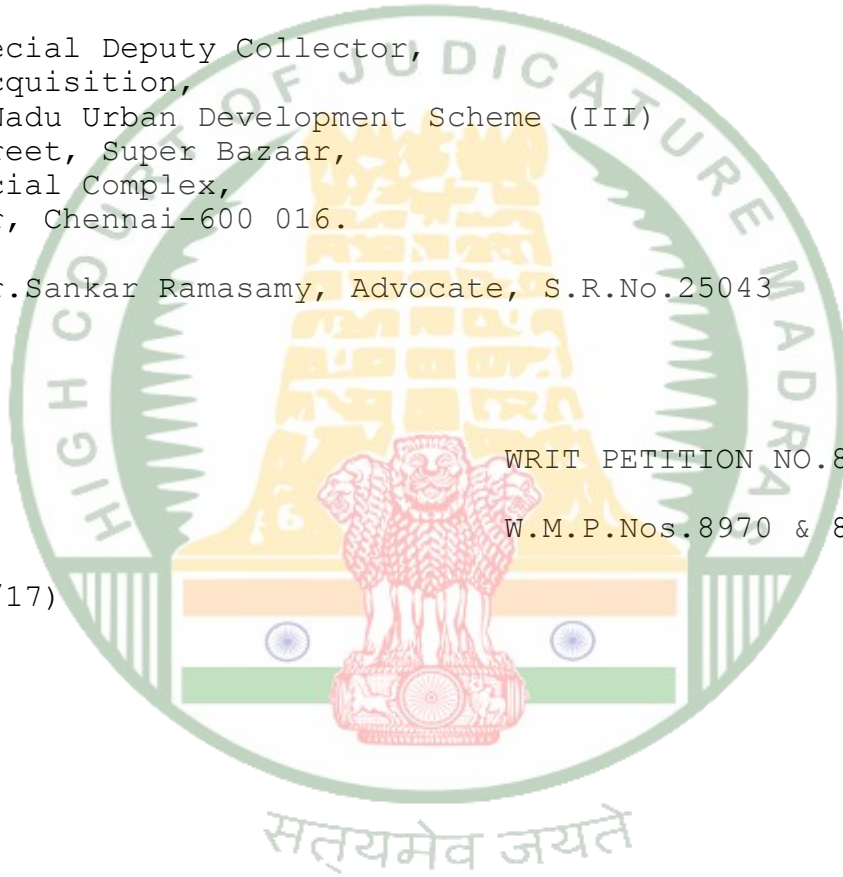
3. The Assistant Divisional Engineer,
Highways Department,
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Tambaram Sub Division,
Chennai - 600 042.

4. The Special Deputy Collector,
Land Acquisition,
Tamil Nadu Urban Development Scheme (III)
New Street, Super Bazaar,
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Alandur, Chennai-600 016.

+1cc to Mr.Sankar Ramasamy, Advocate, S.R.No.25043

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rmp(08/05/17)



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