

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.Nos.9504 to 9507 of 2017
and
W.M.P.Nos.10443 to 10446 of 2017

W.P.No.9504 of 2017

Palpandian

...Petitioner

Vs.

The Divisional Engineer Highways,
Construction and Maintenance,
Tambaram Sub Division,
Chennai - 600 042.Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent or its men or servants or representatives, not to disturb or harassing the petitioner's peaceful possession especially ingress and egress of the property without due process of law.

W.P.No.9505 of 2017

Rajkiran

...Petitioner

Vs.

The Divisional Engineer Highways,
Construction and Maintenance,
Tambaram Sub Division,
Chennai - 600 042.Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent or its men or servants or representatives, not to disturb or harassing the petitioner's peaceful possession especially ingress and egress of the property without due process of law.

W.P.No.9506 of 2017

K.Vijayakumar

...Petitioner

Vs.

The Divisional Engineer Highways,
Construction and Maintenance,
Tambaram Sub Division,
Chennai - 600 042.

...Respondent

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent or its men or servants or representatives, not to disturb or harassing the petitioner's peaceful possession especially ingress and egress of the property without due process of law.

W.P.No.9507 of 2017

C.Kalaiselvan

...Petitioner

Vs.

1.The Special Deputy Collector (Land Acquisition),
Tamil Nadu Urban Development Project III,
Alandur, Chennai - 600 016.

2.The Divisional Engineer Highways,
Construction and Maintenance,
Tambaram Sub Division,
Chennai - 600 042.

...Respondents

Prayer: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's representation dated 05.12.2016 before proceeding with the acquisition without due process of law.

For Petitioner
in all W.Ps.

: Mr.P.J.Rishikesh

For Respondent/s
in all W.Ps.

: Mr.S.Diwakar
Special Government Pleader

COMMON ORDER

W.P.Nos.9504 to 9506 of 2017 has been filed seeking a direction to the respondents not to disturb or harass the petitioners' peaceful possession with particular reference to the ingress and egress to the property without due process of law.

2.W.P.No.9507 of 2017 has been filed seeking a direction to the respondents to consider the request by utilizing the alternative site which has already been acquired.

3.Learned counsel appearing for the petitioners would submit that the ingress and egress to the properties of the petitioners is being obstructed to by the respondents. The petitioners in W.P.Nos.9504 to 9506 of 2017 do not have any objection for acquisition. Therefore, to the limited extent, the case of the petitioners will have to be considered. A statement has been made by the learned counsel appearing for the petitioners that these writ petitioners can be removed if they are found to be encroachers.

4.The learned Special Government Pleader, on instructions, would submit that in so far as W.P.Nos.9504 to 9506 of 2017 is concerned, acquisition proceedings have been completed long time back-1986. The petitioners have continued to encroach the properties and therefore, notices have been given to them to vacate it. After the encroachment is removed, the request of the petitioner will be considered. In so far as W.P.No.9507 of 2017 is concerned, the learned Special Government Pleader submit that already acquisition proceedings were initiated by issuing notice under Section 15(2) of the Land Acquisition Act.

5.Considering the above said facts, a direction is issued to the respondents to see to it that the encroachments are removed in the lands which is the subject matter in the writ petitions in W.P.Nos.9504 to 9506 of 2017. The statement made by the learned counsel appearing for the petitioners in this regard is hereby recorded. After completion of the said exercise, the respondents shall consider the feasibility of creating the ingress and egress to the properties of the petitioners. These directions will have to be complied with within a period of eight weeks from the date of receipt of a copy of this order. The respondents will have to comply with the directions issued in W.P.Nos.9504 to 9506 of 2017 after due notice to the petitioners and also by making measurement of the land.

6.In so far as W.P.No.9507 of 2017 is concerned, in as much as notice under Section 15(2) of the Land Acquisition Act has

already been issued, the petitioner has to work out the remedy under the Act and therefore, no direction can be given. It is open to the petitioner to give a reply to the notice issued under Section 15(2) of the Land Acquisition Act and thereafter, the respondent concerned shall consider the objections of the petitioner as per law.

7.The writ petitions are ordered accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Special Deputy Collector (Land Acquisition),
Tamil Nadu Urban Development Project III,
Alandur, Chennai - 600 016.
2. The Divisional Engineer Highways,
Construction and Maintenance,
Tambaram Sub Division,
Chennai - 600 042.

+4 CC to Mr.P.J.Rishikesh, sr 25755 to 25758

+1 CC to Govt. Pleader sr 26430

W.P.Nos.9504 to 9507 of 2017
and

W.M.P.Nos.10443 to 10446 of 2017

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