

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.04.2017
CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P.No.10743 of 2017
and
W.M.P.No.11682 of 2017

1. Madras College of Engineering Society,
Rep. by its Secretary D.S.Mithra
2. St. Michael's Polytechnic College,
Rep. by its Secretar D.S.Mithra ... Petitioners

Vs

1. District Revenue Officer (L.A.)
Outer Ring Road Project,
CMDA, Koyambedu,
Chennai - 600 107.
2. Chennai Metropolitan Development Authority,
Rep. by its Member Secretary,
No.8, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. Secretary to Government,
Housing and Urban Development
Department, Secretariat, Fort St.George,
Chennai - 600 009.
4. Secretary to Government,
Highways and minor Ports Department,
Secretariat, Fort St. George,
Chennai - 600 009.

5. Tahsildar,
Avadi Taluk, Near Railway Station,
Chennai - 600 054. ... Respondents

Petition filed under Article 226 of the Constitution of India in Writ of Certiorarified mandamus to call for the records in the Notice under Section 15(2) of the Tamil Nadu Highways Act, 2001, Viz., Na.Ka.No.205/2007 Unit-V/ORR, Thiruvallur, dated 10.03.2017 issued by the 1st respondent, District Revenue

Officer (LA), Outer Ring Road Project, CMDA, Koyambedu, Chennai-107 to the petitioner and quash the same, and consequently injunct the respondents from proceeding with publication of or giving effect to, Sec.15(1) Gazette Publication under the Tamil Nadu Highways Act, 2001, against the petitioner with the wrong name Michael Polytechnic & Chennai Engineering College.

For Petitioner : Mr.C.Franco Louis
For Respondents : Mr.S.Diwakar,
Spl. Govt. Pleader for R1 and
R3 to R5
Mr.P.Tamilmani for R2

O R D E R

Challenging the notice issued under Section 15(2) of the Tamil Nadu Highways Act, 2001 (for short 'the Act'), the present writ petition has been filed with a consequential prayer to forbear the respondents from proceeding with the publication under Section 15(5) of the Act.

2.Heard the learned counsel appearing for the petitioner, learned Special Government Pleader appearing for respondents 1 and 3 to 5 and the learned counsel appearing for the second respondent.

3.Learned counsel appearing for the petitioner would submit that the name of the owner has been wrongly noted. This Court is afraid that the same cannot be a ground to interfere with the notice issued under Section 15(2) of the Act, which is more in the nature of show cause notice. The process would get completed only after the requirement of Sections 15(3) and 15(5) is met. The petitioner has also given its objection.

4.In view of the above, this Court is of the view that the stage is premature. Accordingly, the writ petition stands disposed of giving liberty to the petitioner to challenge 15(1) Notification, if such a contingency arises, leaving all the issues open. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

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To

1. The District Revenue Officer (L.A.)
Outer Ring Road Project,
CMDA, Koyambedu,
Chennai - 600 107.
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Chennai Metropolitan Development Authority,
No.8, Gandhi Irwin Road,
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Highways and minor Ports Department,
Secretariat, Fort St. George, Chennai - 600 009.
5. The Tahsildar,
Avadi Taluk, Near Railway Station,
Chennai - 600 054.

+1 cc to the Government Pleader sr 26455

+1 cc to M/s.C.Franco Louis Advocate sr 25738

W.P.No.10743 of 2017

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