

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2017

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.33575 of 2017
and

W.M.P.Nos.37103 and 37104 of 2017

V.K.Krishna Kumar

... Petitioner

Vs

1. The District Collector,
Kancheepuram,
Kancheepuram District.

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

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

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

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

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records of the 5th respondent public notice issued under Section 15(2) of the Tamil Nadu Highways Act, 2001 in Na.Ka.No.326/2016/A1, dated 23.11.2016 and quash the same.

For Petitioner : Mr.Sankar Ramasamy

For Respondent 5 : Mr.A.Zakir Hussain
Government Advocate

O R D E R

This petition is filed for the issuance of a Writ of Certiorari to quash the public notice Na.Ka.No.326/2016/A1, dated 23.11.2016 issued under Section 15(2) of the Tamil Nadu Highways Act, 2001.

2. Mr.A.Zakir Hussain, learned Government Advocate, takes notice for the 5th respondent. By consent, this petition is taken up for final disposal.

3. In the affidavit filed in support of the petition, the petitioner has averred that he is the owner of the 22,200 sq.ft., of land in S.F.No.392/1B, 392/3 and 392/3B. Out of this about 11,925 sq.ft., has been utilised and the same has been settled by the petitioner in the name of his wife K.Anuradha on 20.01.2016. He is in enjoyment of the remaining extent. Whiles, the 5th respondent has issued notice dated 23.11.2016, which was served on the petitioner's father more than a year later on 13.12.2017, with direction to appear before the 5th respondent on 19.12.2016. Hence, the petitioner has come forward with the present petition to quash the same.

4. The learned counsel appearing for the petitioner submitted his solitary grievance is that impugned notice was served on him a year after the date on which he was required to appear and consequently, the acquisition proceeding is on a forward motion without he is heard in the matter.

5. Mr.A.Zakir Hussain, the learned Government Advocate appearing on behalf of the 5th respondent has made submissions on instructions that the proceeding is not yet concluded and the petitioner can participate in the enquiry currently pursuant to the impugned notice.

6. Even though, the petitioner has sought a larger relief, inasmuch as 5th respondent is ready to address the grievance for the petitioner, the petitioner must be given a full and effective opportunity of making his submissions in the on going enquiry. To enable it, the 5th respondent is directed to issue a fresh notice to the petitioner to the address given in the petition within four weeks from today, granting the petitioner a reasonable time to prepare for his appearance.

With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssn

To

1. The District Collector,
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Kancheepuram District.
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New Street, Super Bazaar,
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+1cc to Mr.Sankar Ramasamy, Advocate, S.R.No.92102

+1cc to the Government Pleader, S.R.No.92532

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KGK (CO)
RRK (22/01/2018)