

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2017

CORAM: THE HONOURABLE MR. JUSTICE N.SESHASAYEE

W.P.No.14400 of 2017

R.Panneerselvam

... Petitioner

Vs

The Competent Authority and

Special District Revenue Officer (L.A.)

National Highways

Kancheepuram & Tiruvallur District

Kancheepuram - 631 501.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus directing the respondent not to initiate any further steps or proceedings to recover the petitioner land bearing Survey No.141/5pt now in Block No.32, T.S.No.20 in Koyambedu Village.

For Petitioner : Mr.Vaibhav R.Venkatesh
of M/s.Nithyaesh and Vaibhav
For Respondent : Mr.M.Elumalai
Government Advocate

ORDER

The present writ petition has been filed seeking for a Writ of Mandamus, directing the respondent not to initiate any further steps or proceedings to recover the petitioner's land bearing Survey No.141/5pt, now in Block No.32, T.S.No.20 in Koyambedu Village.

2. The petitioner, in the affidavit, filed in support of the writ petition, has alleged that he is the owner of the property measuring an extent of 2400 sq.ft. in Koyambedu comprised in Survey No.141/5 pt, in Block No.32, correlated to T.S.No.30. He had purchased the said property in the year 1996, and it forms part of a larger extent. Be that as it may, the respondent, Vide notification under 3(A)(3) of the NHAI Act, 1956 in RC.No.A5/08/2009/NH dated 12.07.2010, published in Indian Express on 16.07.2010, expressed its intent to acquire the aforesaid land of the petitioner for widening of the road. Within 21 days of the said notification, the petitioner has filed his objection to the said notification. Thereafter, he was called for a hearing by the respondent on 19.08.2010, to which

the petitioner had addressed a communication dated 31.08.2010, seeking an adjournment that he would not be in station on the said date. Thereafter, nothing was heard about the stage of the intended acquisition proceedings by the respondent.

3. The learned counsel appearing for the petitioner would further submit that till date, the petitioner is kept in dark as to the stage of the acquisition proceedings nor has he been dispossessed from the said property of his, and that he also had made an attempt to collect some information under the provisions of Right to Information Act, but the same was in vain. He, therefore, sent a legal notice dated 03.06.2017, seeking information.

4. Mr. M.Elumalai, learned Government Advocate takes notice for the respondent.

5. Even though the petitioner has sought for a writ of mandamus directing the respondent not to initiate any proceedings to recover the petitioner's land bearing Survey No.141/5pt, now in Block No.32, T.S.No.20 in Koyambedu Village, this Court modifies the same and directs the petitioner to file a fresh representation similar to the one communicated to the respondent earlier, within two weeks from the date of receipt of a copy of this order and the respondent on receipt of the said representation, shall provide his response in accordance with law to the petitioner within three weeks thereafter and also communicate the said order to the petitioner.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To:

The Competent Authority and
Special District Revenue Officer (L.A.)
National Highways
Kancheepuram & Tiruvallur District
Kancheepuram - 631 501.

+1cc to M/s.Nithyaesh and Vaibhav, Advocate in sr.no.83347
W.P.No.14400 of 2017

NR 04/12/2017