

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2017

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.No.26890 of 2014

and

M.P.No.1 of 2014 & WMP.No.25100 of 2016

Salem Shevapet Paddy, Rice,
Food Grains Whole Sale Merchants Association,
Regd.No.145/73, Rep. By its President,
M.Ramasamy,
S/o.R.Mottaiya Pillai,
No.32, Old Market Street,
Shevapet,
Salem-636 002. Petitioner

Versus

- 1.The Secretary to Government,
State Highways Department,
Fort St. George, Chennai-600 009.
- 2.The Chief Engineer,
State Highways, Chepauk,
Chennai-600 005.
- 3.The District Collector,
Salem District, Salem.
- 4.The General Manager,
Southern Railway, Chennai.
- 5.The Special Tahsildar,
Salem West, Salem-636 009. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from demolishing the members of the petitioner association buildings situated in the Suramangalam Main Road and Sandaipettai Main Road, Shevapet, Salem-2 unless due process of law.

For Petitioner : Mr.C.Prakasam

For RR1 to 3 : Mr.C.Manishankar
assisted by
Mr.P.Sanjay Gandhi,
learned Special Government Pleader

For R4 : Mr.P.T.Ram Kumar
R5 : No appearance

O R D E R

Heard Mr.C.Prakasam, learned counsel appearing on behalf of the petitioner, Mr.C.Manishankar, assisted by Mr.P.Sanjay Gandhi, learned Special Government Pleader, appearing on behalf of respondent 1 to 3 and Mr.P.T.Ram Kumar, learned counsel appearing on behalf of the fourth respondent.

2. The petitioner is an association of paddy, rice, food grains merchants and they seek for issuance of a Writ of Mandamus, to forbear the respondents from demolishing the buildings and shops belonging to the members of the petitioner (Association) situated in Suramangalam Main Road and Sandaipettai Main Road, Shevapat, Salem-2.

3.Learned counsel appearing for the respondents rightly pointed out that the petitioner is an association and not the land owners. Hence, the writ petition itself is not maintainable.

4. This Court by an order dated 29.01.2016 passed in W.P.No.38733 of 2015, in a similar set of facts held as follows:

"3.As rightly pointed out by the learned counsels appearing for the respondents, the petitioner is an association and not the land owner. Therefore, it cannot be an aggrieved person. That apart, the properties which are likely to be affected have also not been set out in the affidavit filed in support of the writ petition. The petitioner-association, infact, would fairly agree that they may not have a good case on the alignment of the Road Over Bridge. In any event, the petitioner being an association cannot seek to maintain such a prayer, which is in effect challenging the land acquisition proceedings. Hence, no relief can be granted in this writ petition. However, this will not prevent the individual land owners, if aggrieved, to work out their remedies."

5. In the light of the above order, this writ petition stands closed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Asst.Registrar (CCC)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Government,
State Highways Department,
Fort St. George, Chennai-600 009.

2.The Chief Engineer,
State Highways, Chepauk,
Chennai-600 005.

3.The District Collector,
Salem District, Salem.

4.The General Manager,
Southern Railway, Chennai.

5.The Special Tahsildar,
Salem West, Salem-636 009.

+1 cc to Mr.C.Prakasam,advocate,sr.18270

+1 cc to Mr.P.T.Ramkumar,advocate,sr.17911

+1 cc to Govt.Pleader,sr.18691.

rk(co)
krd 11/4

सत्यमेव जयते

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