

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2017

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.22624 of 2010 and

M.P.No.1 of 2010

1.R.Sampath
2.K.Ramasamy Goundar
3.S.Nallakumaran
4.S.Muthusamy
5.M.Sakthivel
6.K.Krishnan
7.R.Kuppusamy
8.N.Maruthachalamoorthy
9.N.Rajammal ... Petitioners

Vs

- 1.The Government of Tamil Nadu,
Rep by its Secretary to Government,
Highways Department,
Fort St.George, Chennai 600 009.
- 2.The District Collector,
Namakkal District,
Namakkal.
- 3.The Chief Engineer (General)
Highways Department,
Chepauk, Chennai 600 005.
- 4.The Divisional Engineer (NABARD & Rural Road),
Highways Department,
Salem.
- 5.The Superintending Engineer,
Highways Department,
Irumpallai Road,
Salem.
- 6.The Chief Engineer
(NABARD & Rural Road),
Highways Department,
Chepauk, Chennai 600 005.
- 7.The Superintending Engineer
(NABARD & Rural Road),

Highways Department,
Near Sundaram Lodge,
Maravaneri, Salem.

R6 & R7 impleaded as per order dated 31.01.2011
in M.P.No.2 of 2010 in W.P.No.22624 of 2010.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, to direct the respondents to consider the representation made by the petitioners dated 09.07.2010 and 30.07.2010, requesting for realignment of the proposed route for the Thiruchengodu Bypass for the purpose of realigning the said route.

For Petitioners : Mr.V.Suthakar
For Respondents : Mr.S.V.Duraisolaimalai,
Additional Government Pleader

O R D E R

Heard Mr.V.Suthakar, learned counsel for the petitioners.
Mr.S.V.Duraisolaimalai, learned Additional Government Pleader,
appearing for the respondents.

2. The petitioners have approached this Court for seeking the following relief,

"To issue a writ of Mandamus, to direct the respondents to consider the representation made by the petitioners dated 09.07.2010 and 30.07.2010, requesting for realignment of the proposed route for the Thiruchengodu Bypass for the purpose of realigning the said route."

3. The case of the petitioners is as follows:-

The petitioners are the joint owners of the lands comprised in Survey Nos.30/1A, 30/3A, 61/2, 61/1, 56, 61/3 and 61/4 in Sathinaickenpalyam, Trichengodu Taluk, Namakkal. The petitioners came to understand from the Newspaper publish on 14.07.2010 and 30.07.2010 that the State Highways Department was proposing to acquire several extent of lands for the purpose of formulation of Bypass Road from Thiruchengodu Town in Namakkal District. Subject to the acquisition of the Highways Department, several representations were submitted by the petitioners on 09.07.2010, 30.07.2010 and 02.08.2010 etc., requesting the authorities to resurvey the proposed route and realign the route in order to avoid agricultural lands and also ensure reduction of unnecessary expenditure for the Government. Some of the representations also been forwarded to the competent authority for further action.

4. However, the petitioners are informed that the entire

matter is under consideration at the hands of the competent authority and final decision would be taken after studying technical feasibility of the alignment of the proposed route. Since no decision was forthcoming, the petitioners are before this Court, seeking to issue a Writ of Mandamus, by directing the respondents to consider the representations on 09.07.2010, 30.07.2010, requesting to re-alignment of the proposed route.

5. During the course of the arguments, the learned counsel for the petitioners would also submit that during the pendency of the writ petition, an another representation was forwarded on 23.10.2015 and also recently on 14.11.2017 to the competent authority, requesting for re-alignment of the route, only to protect the agricultural lands owned by the petitioners. According to the learned counsel for the petitioners, the representations are still pending and no decision has been taken by the respondents.

6. Upon notice, the learned Additional Government Pleader appearing for the respondents, entered appearance and filed a detailed counter affidavit.

7. The learned counsel for the petitioners would submit that he would be satisfied if the direction is issued to the first respondent to consider the representations made by the petitioners as prayed for in the writ petition and also the subsequent representation on 23.10.2015 and 14.11.2017, requesting for re-alignment of the proposed route for Thiruchengode Bypass which is the subject matter of the proposed acquisition proceedings, on merits and in accordance with law, within a period of time.

8. In the light of the submission made by the learned counsel for the petitioners, the first respondent is directed to dispose of the above said representations submitted by the petitioners, by passing a detailed order on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of the order. The respondent is also directed to communicate the decision to the petitioners.

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

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
The Government of Tamil Nadu,
Highways Department,
Fort St.George, Chennai 600 009.

2.The District Collector,
Namakkal District,
Namakkal.

3.The Chief Engineer (General)
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Trumpallai Road,
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7.The Superintending Engineer
(NABARD & Rural Road),
Highways Department,
Near Sundaram Lodge,
Maravaneri, Salem.

+1cc to the Government Pleader, S.R.No. 88106

+1cc to Mr.V.SUTHAKAR, Advocate, S.R.No. 87321

KAN(CO)
TR(29/01/2018)