

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION Nos. 41057 & 41058 of 2016

R.Asaithambi ...Petitioner in W.P.No.41057 of 2016
R.Pandian Thambidurai ...Petitioner in W.P.No.41058 of 2016

Vs.

1. The Secretary to Government of Tamil Nadu,
Highways Department,
St. George Fort, Chennai - 600 009.
2. The Assistant Divisional Engineer, (Highways),
Construction & Maintenance,
Tiruppattur, Vellore District. ...Respondents in both WPs

Common Prayer: This writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus or any other appropriate writ or direction to call for the records in proceedings in Ka.No.359/2015/Ei.Ni.Vu/dated 08.01.2016 and Ka.No.358/2015/Ei.Ni.Vu/dated 08.01.2016 respectively passed by the second respondent and to quash the same as illegal, incompetent and direct the respondent to handover possession of the petitioner's patta and with compensation for damages or otherwise, further direction to the second respondent to initiate acquisition proceedings inaccordance with law, if required and to pay fair compensation to the petitioner for his lands acquired for expansion of Highways.

For Petitioners : Mr.PA.Sudesh Kumar

For Respondents : Mr.S.Diwakar-for R1&R2,
learned Special Government Pleader.

COMMON ORDER

Heard Mr.PA.Sudesh Kumar, learned counsel appearing for the petitioners and Mr.S.Diwakar, learned Special Government Pleader appearing for the respondents.

2.The petitioners have come forward to challenge the impugned orders, which have been passed on the representations of the petitioners to the effect that the request made therein cannot be considered as the lands stated to have been acquired have not been acquired and thus, there was no proceedings against it. Resultantly, it has been stated in the impugned orders that in view of the said stand, there is no question of considering the request for compensation.

3.The learned counsel appearing for the petitioner would submit that the respondents have acquired the lands.

4.This Court is afraid that it is a disputed question of fact which cannot be dealt with by this Court in exercise of power under Article 226 of the Constitution of India which is a discretionary remedy. Therefore, the only option left to the petitioner is to approach the jurisdictional civil Court and seek an adjudication.

5.With the above said observation, these writ petitions stand closed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Secretary to Government of Tamil Nadu,
Highways Department,
St. George Fort, Chennai - 600 009.
2. The Assistant Divisional Engineer, (Highways),
Construction & Maintenance,
Tiruppattur, Vellore District.

+1cc to Mr.PA. Sudesh Kumar, Advocate Sr. 20684

+1cc to the Government Pleader Sr. 21020

W.P.Nos. 41507 & 41058 of 2016

RK(CO)
VR(18/04/2017)