

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :04.12.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32570 of 2005

and

W.M.P.No.35512 of 2005

T.Mahendran

..Petitioner

vs

- 1.The Chief Engineer,
State Highways,
Highways Department,
Chennai - 32.
- 2.The District Collector,
Cuddalore District,
Cuddalore.
- 3.The Divisional Engineer,
State Highways,
Highways Department,
Chidambaram, Cuddalore District.
- 4.The Special Tahsildar(LA)
Tamilnadu Road Sector Project
Vridhachalam, Cuddalore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the possession and enjoyment of the property in the land in TS No.1396 old survey Nos.135/2, 135/5, 135/3 ward No.2, Block No.22, Chidambaram Town, Chidambaram Tk, Cuddalore District covered under patta No.1286 to an extent of 0.3301 sq.mtrs.belonged to the petitioner except by due process of law either by invoking the provisions under Land Acquisition Act or any other relevant statute.

For Petitioner

: Mr.G.Sankaran

For Respondents

: Mr.K.Ravikumar, Additional
Government Pleader

O R D E R

The relief sought for in the present writ petition is to forbear the respondents from interfering with the possession and enjoyment of the property in the land in T.S.No.1396 old survey Nos.135/2, 135/5, 135/3 Ward No.2, Block No.22, Chidambaram Town, Chidambaram Taluk, Cuddalore District covered under patta No.1286 to an extent of 0.3301 sq.mts. belonged to the petitioner.

2.The grievance of the writ petitioner is that he is the absolute owner of the land in T.S.No.1396 old survey Nos.135/2, 135/5, 135/3 Ward No.2, Block No.22, Chidambaram Town, Chidambaram Taluk, Cuddalore District covered under patta No.1286 to an extent of 0.3301 sq.mts.

3.The petitioner states that the State Government has introduced Tamil Nadu Road Sector Project for the purpose of construction of roads through out the State. Under the said project, a bye-pass road was proposed to be constructed laid down connecting Chidambaram-Cuddalore Road. For the purpose of formation of road, the respondents namely, the Highways Department inspected the lands during the year 2001 and taken the list of owners of the land including the lands belongs to the writ petitioner. Under those circumstances, the writ petitioner filed the present writ petition with a prayer to forbear the respondents from interfering with the peaceful possession and enjoyment of the land belongs to him.

4.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the land was acquired under the Tamil Nadu Highways Act, 2001 and the land value of Rs.2,04,292/-(Rupees Two Lakh, Four Thousand, Two Hundred and Ninety Two only) for the said land fixed in the Award dated 30.04.2009 and the Award amount was deposited before the Sub Court, Chidambaram in LAOP.No.89/2009. The Road was already formulated and the Award amount was already deposited before the Sub Court, Chidambaram.

5.This being the factum of the case, now after this length of time, the relief sought for to forbear the respondents to interfere with the peaceful possession and enjoyment of the property belongs to the writ petitioner cannot be granted. It is left open to the writ petitioner to move the Sub Court, Chidambaram for withdrawal of the Award amount already deposited by the respondents in LAOP No.89/2009.

6.Thus, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

- 1.The Chief Engineer,
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Highways Department,
Chennai - 32.
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+1cc to the Government Pleader, S.R.No.84026

W.P.No.32570 of 2005

KS(CO)
GSP(20/12/2018)

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