

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2018

CORAM: THE HONOURABLE Mr.JUSTICE N.SESHASAYEE

W.P.No.33025 of 2017
and WMP.Nos.36396 & 36397 of 2017

1.S.Rajamani
2.R.Pachaimani alias Manisha Preeth
3.Uma Maheswari
4.S.Karthikeyan
5.S.Balamurugan ... Petitioners

-Vs-

1.The Secretary
State of Tamil Nadu
State Highways Department
St.George Fort
Chennai - 600 005.
2.The Director
Tamil Nadu State Highways Department
Chepauk
Chennai - 600 005.
3.The Special Tahsildar
(Land Acquisition)
Tamil Nadu Urban Development Scheme III
Alandur, Chennai - 600 016.
4.The Assistant Divisional Engineer
State Highways
Tambaram Sub Division
Chennai - 600 042. ... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus forbearing the respondents from taking over the possession of the petitioners' property measuring 130 sq.mtr. comprised in Punja Survey No.415/1 (Part) now bearing sub-divided into Survey No.415/42 of No.120 Madawalkam Village, Saidapet Taluk, Chengai MGR District, now Kanchipuram District without payment of the compensation of acquired property.

For Petitioner : Mr.V.Manisekaran

For Respondents : Mr.M.Karthikeyan
Additional Government Pleader

ORDER

The present petition is filed seeking a Writ of Mandamus for directing the respondents to forbear from taking possession of the petitioners' property to an extent of 130 sq.mtr. in

Survey No.415/42 of No.120 Madawalkam Village, Saidapet Taluk, Chengai MGR District, now Kanchipuram District without payment of any compensation.

2.1. The case of the petitioners is that certain Srinivasan has purchased a plot bearing No.46 of Selvakumar Avenue Layout covering 2400 sq.ft. approved in DDTP.No.355/73 by the Deputy Director of Town Planning, Chennai Vide reference No.NK 11420/73-A6 dated 31.1.1974. The said Srinivasan had died and the petitioners have succeeded to his estate. While so, on 26.02.2016, the fourth respondent issued a notice stating that the petitioners' father and others have encroached upon the Government lands comprised in Survey No.415 admeasuring 49.2 sq.mtrs. However, the fourth respondent did not take any action pursuant to the said notice. Thereafter, on 23.11.2016, the third respondent issued a notice stating that several items of properties including the property of the petitioners' property comprised in Survey No.415/42 was proposed to be acquired for constructing a bridge on Mount Medawalkam-Irumbuliyur Road and for the purposes connected therewith. It is also represented by the petitioners that in the said notice the names of certain V.Sekar, V.Kumaresan, V.Selvakumar and Maheswari have been shown as the owners of the property in Survey No.415/42, disregarding the fact that the patta stands in the name of Srinivasan, the petitioners' father.

2.2. The grievance of the petitioners is that no award has yet been passed and no compensation is paid and therefore, they have approached this Court with the present writ petition seeking a direction as communicated in the opening paragraph.

3. Mr.M.Karthikeyan, learned Additional Government Pleader entered appearance for the respondents and he made a statement on instructions, that only the preliminary notice under Section 15(2) of the Tamil Nadu Highways Act, 2001, has been issued and that the process of acquisition is yet to reach the next stage and no possession has yet been taken.

4. The statement of the learned Additional Government Pleader is recorded and this petition is disposed of with a direction to the respondents that if the respondents are inclined to proceed with the acquisition, they are strictly directed to follow the procedures as are mandated by law. No costs. Consequently, connected miscellaneous petitions are closed.
ds

Sd/-

Assistant Registrar(CS VII)

//True Copy//

To:

1.The Secretary
State of Tamil Nadu
State Highways Department
St.George Fort, Chennai - 600 005.

2.The Director
Tamil Nadu State Highways Department
Chepauk, Chennai - 600 005.

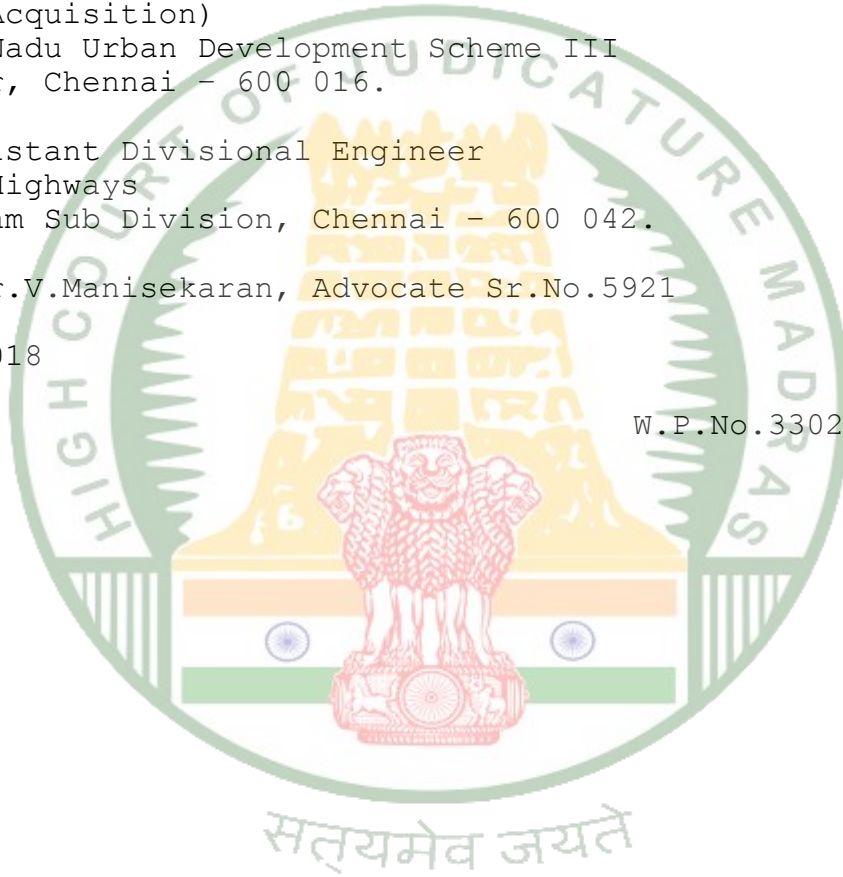
3.The Special Tahsildar
(Land Acquisition)
Tamil Nadu Urban Development Scheme III
Alandur, Chennai - 600 016.

4.The Assistant Divisional Engineer
State Highways
Tambaram Sub Division, Chennai - 600 042.

+1cc to Mr.V.Manisekaran, Advocate Sr.No.5921

sm:19.2.2018

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