

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.19138 of 2017
and W.M.P.Nos.20644 & 36480 of 2017

R.Kamaladevi

...Petitioner

Vs.

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 Land Acquisition Officer,
District Revenue Officer,
Collectorate, Salem.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to forbear the respondents from demolishing the petitioner's building situated in Door No.93-J, Block No.9, Ward No.28, T.S.No.11/2, Pallapatti Village, Salem till passing orders on the petitioner's objection made for the notice U/s. 15(3) of Tamil Nadu Highways Act issued by the 4th respondent in his proceedings No.Na.Ka.9015/2013/P3, dated 07.11.2016.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.Akhil Akbar Ali, G.A.

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents 1 to 4 and perused the materials available on record.

2. The prayer in the writ petition is for issuance of a writ of Mandamus, to forbear the respondents from demolishing the petitioner's building situated in Door No.93-J, Block No.9, Ward No.28, T.S.No.11/2, Pallapatti Village, Salem till passing

orders on the petitioner's objection made for the notice U/s. 15 (3) of Tamil Nadu Highways Act issued by the 4th respondent in his proceedings No.Na.Ka.9015/2013/P3, dated 07.11.2016.

3. The petitioner would state that the fourth respondent issued notice under the Tamil Nadu Highways Act for acquiring her building bearing Door No.93-J, Block No.9, Ward No.28, T.S.No.11/2 to an extent of 0.0048 sq.mt. in Pallapatti Village, Salem District, for which, she made objections through Association.

4. Mr.C.Prakasam, learned counsel for the petitioner submitted that after enactment of Act 30 of 2013, the petitioner is entitled for compensation under the new Act, but the petitioner received notice under Section 15(3) of the Tamil Nadu Highways Act. It is further submitted that though enquiry was conducted on 07.05.2018, and the petitioner was permitted to mark documents, but no award has been passed so far.

5. Mr.Akhil Akbar Ali, learned Government Advocate submitted that enquiry notice was issued under Section 15 (3) of the Tamil Nadu Highways Act, but an award would be passed as per the provisions of the Act 30 of 2013. After award enquiry, the entire files have been sent to the Commissioner of Land Administration for his concurrence and approval and thereafter award will be passed.

6. Recording the submissions of the learned Government Advocate, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

pvs

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.

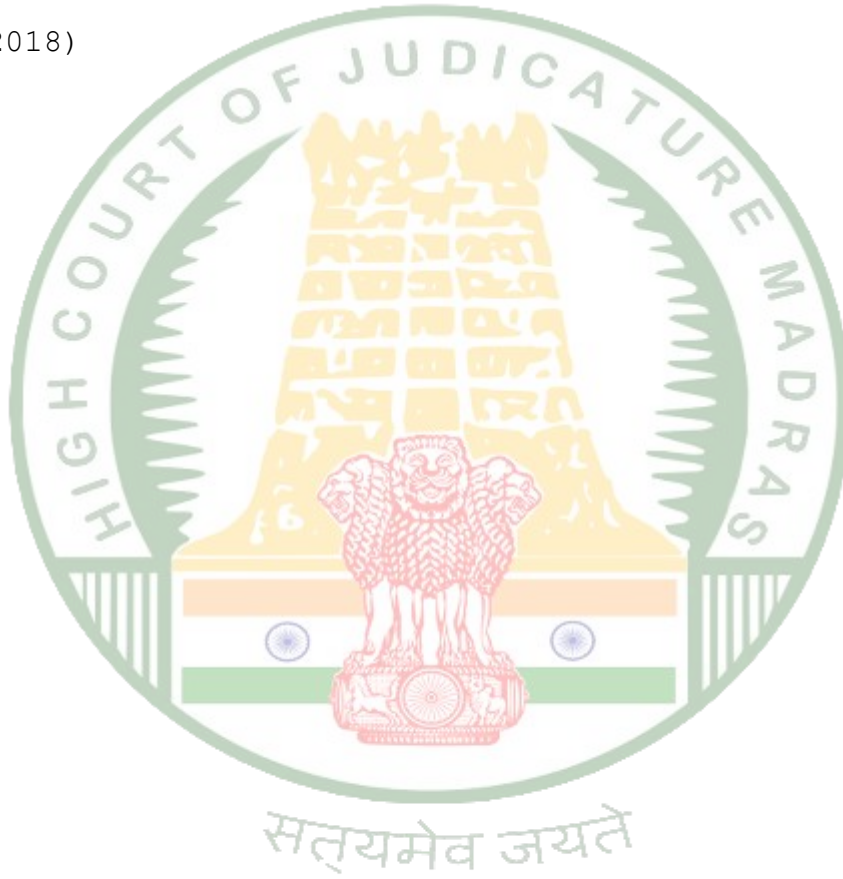
3.The District Collector,
Salem District, Salem.

4. The Land Acquisition Officer,
District Revenue Officer,
Collectorate, Salem.

+1 CC to Mr.C. Prakasam, Advocate sr 48128.
+1 CC to Govt. Pleader sr 48941.

WP.No.19138 of 2017

SP (07/08/2018)



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