

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.07.2018

CORAM

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

W.P.No.23430 of 2013

and

M.P.Nos.1 to 4 of 2013

P.Muthusamy (died)

P-2.M.Vasugi

P-3.M.Navaladi Raja

P-4.M.Kalai Selvan

..Petitioner

(P-2 to P-4 are substituted as LRs of
deceased P.Muthusamy as per order
dated 21.07.2015 in MP.Nos.1 to 3 of 2015)
in WP.23430/13

vs

1.The District Collector,
Namakkal District,
Namakkal.

2.The District Revenue Officer,
Namakkal District,
Namakkal.

3.The Chief Special Engineer,
Highways Department,
NABARD No.3, Sidco Electronics Complex,
Guindy, Chennai-600 032.

4.The Divisional Engineer,
Highways Department,
NABARD 2 Nattanmai Building Complex,
Salem.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of
Certiorarified Mandamus calling for the records relating to
the issuance of the impugned order dated 06.06.2013 issued
by the 2nd respondent under Na.Ka.No.26220/2012/H1 and
quash the same.

For Petitioner : Mr.A.K.Venkatesan

For Respondents :Mr.D.Raghu, Government Advocate

O R D E R

The reply memo issued to the writ petitioner by the District Revenue Officer in proceedings dated 06.06.2012, is under challenge in this writ petition.

2. The grievance of the writ petitioner is that respondents have interfered with the peaceful possession and enjoyment of the land belongs to the writ petitioner and measuring their property for the purpose of acquisition to develop a ring road.

3. However, the learned Government Advocate appearing for the respondents contended that no land acquisition proceedings are initiated in respect of the land belongs to the writ petitioner. This apart, the road alignment is not finalised by the competent authorities and therefore, no relief can be granted to the writ petitioner at this point of time.

4. When this Court asked a question to the learned counsel for the petitioner as to whether any land acquisition proceedings are initiated in respect of the land belongs to the writ petitioner, the answer is negative. Thus, it is clear that the writ petitioner has not received any notice or otherwise under the provisions of the Tamil Nadu Land Acquisition Act, 2013, from the competent authorities. In the absence of initiation of any acquisition proceedings, the writ petition cannot be entertained on the mere apprehension.

5. Thus, the ground raised in the writ petition cannot be adjudicated at this point of time, as the writ petitioner cannot be construed to be a aggrieved person as of now. The writ petition is premature and accordingly the same stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sk

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

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+1 CC TO GOVERNMENT PLEADER SR.NO. 48468

+1 CC TO Mr.A.K.Venkatesan Advocate SR.NO. 47838

W.P.No.23430 of 2013

PPA(CO)
ASK(10/08/2018)



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