

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.17417 of 2018 and
W.M.P. Nos.20707 & 20708 of 2018

1.N.Pushpalatha

2.S.Vinoth

3.K.Mani

4.M.Sivaraj

... Petitioners

-vs-

1.The Executive Engineer,
Highways Department,
Highway Projects,
Near Overbridge,
Coimbatore North,
Coimbatore.

2.The Superintending Engineer,
National Highways Department,
Highway Projects Taluk,
Coimbatore-43.

3.The Divisional Engineer,
National Highways Department,
Highway Projects Division,
Coimbatore-43.

4.The Assistant Divisional Engineer,
National Highways Department,
Highway Projects Division,
Coimbatore-43.

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents herein from disturbing petitioners

peaceful possession and enjoyment of property in S.Nos.551/2, 552/2, 550/2, 549 and 552/3 situated at Pilichi Village, Periyayanayakanpalayam, Coimbatore Taluk, Coimbatore District, without following due process of law and consequently directing the respondents herein to consider the objections of the petitioners dated 01.06.2018.

For Petitioners:: Mr.A.Selvendran for
Mr.V.P.K.Gowtham

For Respondents:: Mr.I.Sathish,
Additional Government Pleader

ORDER

The petitioners have come to this Court praying for the issuance of a Writ of Mandamus forbearing the respondents herein from disturbing their peaceful possession and enjoyment of property in S.Nos.551/2, 552/2, 550/2, 549 and 552/3 situated at Pilichi Village, Periyayanayakanpalayam, Coimbatore Taluk, Coimbatore District and seeking a direction to the respondents to consider their objections dated 01.06.2018.

2.The petitioners being the farmers have been eking their livelihood by cultivating their agricultural lands in the above said Survey Numbers. While so, the respondents informed that the Government has planned to widen the Alankolampu to Chinnathampalayam Road and Coimbatore to Mettupalayam Road and the respondents tried to measure their patta lands and fix the measuring stones, but the petitioners objected to the same for the want of notice from the Government Officials. It is the case of the petitioners that there is no publication from Government about acquisition proceedings for the above said project for widening the road. In this regard, the petitioners sent a representation on 01.06.2018. Finding no response, they are before this Court.

3.Learned counsel for the petitioners would submit that while widening the road for public purpose, the petitioners should be put on notice and then the respondents should proceed by following the due process of law.

4.Learned Additional Government Pleader appearing for the respondents would submit that petitioners' representation will be duly considered on merits.

5.If the respondents are proceeded to widen the road by acquiring the land of the petitioners, they should serve notice to the petitioners and then proceed further in the manner known to law. With the above observation, this writ petition is disposed of. No costs. Consequently, connected W.M.Ps are closed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

vga

To

1.The Executive Engineer,
Highways Department,
Highway Projects,
Near Overbridge,
Coimbatore North,
Coimbatore.

2.The Superintending Engineer,
National Highways Department,
Highway Projects Taluk,
Coimbatore-43.

3.The Divisional Engineer,
National Highways Department,
Highway Projects Division,
Coimbatore-43.

4.The Assistant Divisional Engineer,
National Highways Department,
Highway Projects Division,
Coimbatore-43.

+1 CC to Govt. Pleader sr 46137.

+1 CC to Mr.K. Sudhakar, Advocate sr 46465.

W.P. No.17417 of 2018 and
W.M.P. Nos.20707 & 20708 of 2018

SKV(CO)
SP(26/07/2018)