

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2018

CORAM

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

WP.No.18708 of 2018
W.M.P.Nos.22059 & 22060 of 2018

K.Kalamani

...Petitioner

Vs.

1. The District Collector,
Coimbatore.
2. The Tahsildar,
Sulur.
3. The Divisional Manager,
Southern Railways,
Salem Division.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the entire records pertaining to the impugned proceedings notice in Na.Ka.No.8229/2017/A2, dated 09.07.2018 on the file of the 2nd respondent and quash the same.

For Petitioner : Mr.Naveen Kumar Murthi
for Mr.K.Sudhakar

For Respondents : Mr.D.Raja
for RR1 & 2 Additional Government Pleader

ORDER

This writ petition has been filed for issuance of a writ of certiorari to quash the impugned notice of the second respondent dated 09.07.2018.

2. According to the petitioner, she is the absolute owner of the land in Survey Nos.34/3, 34/1A, 34/4B, 101 and 102 at Karavazlimathapur Village in Palladam Taluk, Coimbatore District, by virtue of settlement deed, dated 05.10.2005 and she has planted coconut trees, and getting income for her livelihood. The petitioner would state that the officials of the second respondent had planned to survey the land of the petitioner for construction of railway bridge, by issuing notice dated 09.07.2018. Immediately, she sent her objections on

19.07.2018, but without considering the same, they are attempting to proceed further.

3. According to the learned counsel for the petitioner, the impugned notice has been issued under Section 15 (2) of the Tamil Nadu Highways Act and such notice can be issued only after issuing show cause notice to the petitioner.

4. The learned Additional Government Pleader submitted that the respondents have authority to enter into the land of the petitioner to measure and survey under Section 14 of the Tamil Nadu Highways Act. After conducting survey, the respondent would issue show cause notice under Section 15 (2) of the Act before issuing notice under Section 15 (1) and at that time, the objections of the petitioner would be considered and this writ petition is a premature one.

5. The learned counsel for the petitioner submitted that in fact the petitioner doesn't have any objection to acquire the property, but the bridge cannot be laid in the middle of the land of the petitioner and hence the respondents may be directed to consider the objections of the petitioner.

6. In the light of the submission of the learned counsel for the petitioner, though the petitioner prayed for a larger relief, the writ petition is disposed of directing the second respondent to consider the objections of the petitioner, dated 19.07.2018 and pass appropriate orders, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, and thereafter, the respondents shall proceed further. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

// True Copy//सत्यमेव जयते

Sub Assistant Registrar

To

1. The District Collector,
Coimbatore.

2. The Tahsildar,
Sulur.

WEB COPY

3. The Divisional Manager,
Southern Railways,
Salem Division.

+1cc to Mr.K.Sudhakar, Advocate SR.No.49189

+1cc to Government Pleader SR.No.50031

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PVS (CO)
SMI/11.08.2018



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