

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:28.06.2018

C O R A M

THE HON'BLE Mr.JUSTICE P.D.AUDIKESSAVALU

W.P.Nos.22567 of 2003 and 16100 of 2004
and

WPMP Nos.40072/2003 and 19062/2004

K.Uvaraj

...Petitioner
in both W.Ps.

vs

- 1.The Chief Engineer,
Public Works Department,
P.A.P. Town Hall,
Near Municipal Office,
Coimbatore District.
- 2.The Superintending Engineer,
Public Works Department,
P.A.P. Colony, Machinampatti,
Pollachi Taluk, Coimbatore District.
- 3.The Executive Engineer,
Public Works Department,
P.A.P., Vettaikaranpudur Post,
Pollachi Taluk, Coimbatore District.
- 4.The Junior Engineer,
Public Works Department,
P.A.P., Vettaikaranpudur Post,
Pollachi Taluk, Coimbatore District.

5.K.P.Muruganandam

...Respondents 1to5
in W.P.22567/03

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Public Works Department,
Fort St.George, Chennai 600 009.
- 2.The Superintending Engineer,
Public Works Department,
Parambikulam Azhiyar Circle,
Pollachi.

3.The Executive Engineer,
Public Works Department,
Parambikulam Division,
Pollachi.

4.The District Collector,
Coimbatore.

5.K.P.Muruganandam

..Respondents
in W.P.16100/04

Prayer in W.P.22567/03:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorarified mandamus to call for the entire records of the Superintending Engineer the second respondent herein leading to the passing of the impugned proceedings made in Va.pa.Vao/Ko.109/140/M/2003 dated 16.05.2003 and quash the same and direct the Chief Engineer, Public Works Department, the first respondent herein, to hold auction for leasing out the land comprised in S.Nos.581/1A2, 581/1B and 581/2 situate at Vettaikaranpudur village, Pollachi Taluk, Coimbatore District subject to the petitioner's right of cart track.

(Prayer amended as per order of court dated 25.11.2003 in WPMP No.40073/2003)

Prayer in W.P.16100/04:Writ petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the respondents 1 to 4 to re-convey or re-transfer the unutilised portion of the lands acquired by them from the petitioner measuring an extent of 3 acres comprised in S.F.Nos.581/1A2, 581/2 and 581/1B of Vettaikaranpudur village, Pollachi Taluk, Coimbatore District to the petitioner on payment of either the amount paid as compensation for the extent of lands as contemplated under section 48B of the Land Acquisition Act or on payment of cost price of the said land as provided under clause (3) of Order 32 of the Madras Board Standing Orders.

For petitioner : No Appearance
in both W.Ps.

For Respondents: Mr.S.Kamalesh Kannan for R1 to R4
in both W.Ps. Government Advocate
Mr.T.M.Naveen for R5
for Mr.T.P.Manoharan

C O M M O N O R D E R

W.P.No.22567 of 2003 has been filed to call for the entire records of the Superintending Engineer the second respondent herein leading to the passing of the impugned proceedings made

in Va.pa.Vao/Ko.109/140/M/2003 dated 16.05.2003 and quash the same and direct the Chief Engineer, Public Works Department, the first respondent herein, to hold auction for leasing out the land comprised in S.Nos.581/1A2, 581/1B and 581/2 situate at Vettaikaranpudur village, Pollachi Taluk, Coimbatore District subject to the petitioner's right of cart track.

2.W.P.No.16100 of 2003 has been filed to direct the respondents 1 to 4 to re-convey or re-transfer the unutilised portion of the lands acquired by them from the petitioner measuring an extent of 3 acres comprised in S.F.Nos.581/1A2, 581/2 and 581/1B of Vettaikaranpudur village, Pollachi Taluk, Coimbatore District to the petitioner on payment of either the amount paid as compensation for the extent of lands as contemplated under section 48B of the Land Acquisition Act or on payment of cost price of the said land as provided under clause (3) of Order 32 of the Madras Board Standing Orders.

3.When the matter was called during the earlier hearings on 11.06.2018 and 26.06.2018, there was no representation for the petitioner. The following order was passed on 26.06.2018:

"The Writ Petitions bearing W.P.Nos.22567 of 2003 and 16100 of 2004 are filed by the same Petitioner K. Uvaraj, though represented by different counsel in respect of the same subject matter. In W.P.No.22567 of 2003, Mr.S. Krishnamoorthy, Advocate has filed a Memo stating that on 08.04.2004, the Petitioner had taken back the papers and obtained consent for engaging another Advocate, which is obviously before filing of W.P.No.16100 of 2004 on 14.06.2004. In fact, there is also reference to W.P.No.22567 of 2003 in para 7 of the affidavit of the Petitioner in W.P.No.16100 of 2004. Hence, it is not necessary to issue Notice to the Petitioner regarding hearing in W.P.No.22567 of 2003 on the basis of the Memo filed by his erstwhile counsel. There is no representation for the Petitioner in both the Writ Petitions when the matters were called today as well as during earlier hearings on 11.06.2018. Mr.T.M. Navin, learned counsel appearing for the Fifth Respondent in both the Writ Petitions is present. Registry is directed to print the name of the Petitioner in W.P.No.22567 of 2003 and Mr.M.Mohammed Shafi and Mr.S. Punniyakoti, learned counsel appearing for the Petitioner in W.P.No.16100 of 2004. Post the matter for dismissal on 28.06.2018."

There is no representation for the petitioner in both the writ petitions, despite the matter being posted today under the caption 'For Dismissal'. Mr.S.Kamalesh Kannan, learned

Government Advocate appearing for the first to fourth respondents and Mr.T.M.Naveen, learned counsel appearing for the fifth respondent are present in both the cases. Hence, the writ petitions are dismissed for non-prosecution. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

vri

To

- 1.The Chief Engineer,
Public Works Department,
P.A.P. Town Hall,
Near Municipal Office,
Coimbatore District.
- 2.The Superintending Engineer,
Public Works Department,
P.A.P. Colony, Machinampatti,
Pollachi Taluk, Coimbatore District.
- 3.The Executive Engineer,
Public Works Department,
P.A.P., Vettaikaranpudur Post,
Pollachi Taluk, Coimbatore District.
- 4.The Junior Engineer,
Public Works Department,
P.A.P., Vettaikaranpudur Post,
Pollachi Taluk, Coimbatore District.
- 5.The Secretary to Government,
Public Works Department,
Fort St.George, Chennai 600 009.
- 6.The Superintending Engineer,
Public Works Department,
Parambikulam Azhiyar Circle,
Pollachi.
- 7.The Executive Engineer,
Public Works Department,
Parambikulam Division,
Pollachi.
- 8.The District Collector,
Coimbatore.

W.P.Nos.22567 of 2003 and 16100 of 2004

NM(CO)
EU(26/07/2018)