

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 09.10.2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

W.P. 25878 of 2018  
&  
W.M.P. 30080 of 2018

V.P.Velusamy

... Petitioner

-Versus-

1. The State of Tamil Nadu,  
rep. by its Principal Secretary  
to Government,  
Highways & Minor Port (HN-2)  
Department, Fort St. George,  
Chennai-600 009.

2. The District Revenue Officer,  
(Land Acquisition Officer),  
Collectorate Building,  
Coimbatore-641 018.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to issue all the statutory notices in the name of petitioner for acquiring the petitioner's land and building in T.S.No.53, Block No.8, Ward No.AP(42), Village - Coimbatore Town, Coimbatore South Taluk, Coimbatore District and consequently forbear the respondents from proceeding with the land acquisition proceedings under the Tamil Nadu Highways Act, 2001 without providing the benefits (including compensation) available to the landowners as conferred under the Right to Fair Compensation Transparency in Land Acquisition (Rehabilitation and Resettlement) Act, 2013.

For Petitioner : Mr.M.Sivavarthanan

For Respondents : Mr.D.Raja,  
Addl. Government Pleader

ORDER

This writ petition has been filed seeking for a direction to the respondents to issue statutory notice to the petitioner under Sec.15(2) of the Tamil Nadu Highways Act.

2. The grievance of the petitioner is that the petitioner is the owner of the property in T.S.No.53, Block No.8, Ward No.AP (42), Village-Coimbatore Town, Coimbatore South Taluk, Coimbatore District, he has purchased the above property in the year 1989. Now, the 2<sup>nd</sup> respondent has initiated a proceedings for acquiring the above land under the Tamil Nadu Highways Act, 2001 (hereinafter called as 'Act'), and the public notice was also given. In the public notice, in respect of T.S.No.53, instead of petitioner's name, some third party's name has been mentioned, who has nothing to do with the petitioner's property. In the said circumstances, the petitioner has sent a representation to the 2<sup>nd</sup> respondent on 20.08.2016 requesting to issue proper notice under Sec.15(2) of the Act, but his representation was not considered. Hence, he has filed the present Writ Petition.

3. I have heard and considered the rival submissions and perused the records carefully.

4. Considering the fact that the petitioner is claiming right over the property by virtue of the sale deed made in the year 1989 and he has also submitted the representation dated 20.08.2016 to the 2<sup>nd</sup> respondent, which is still pending.

5. In the said circumstances, without going into the merits of the case and also considering the limited prayer sought in the Writ Petition, the 2<sup>nd</sup> respondent is directed to consider the petitioner's representation and pass suitable orders after giving opportunity to the petitioner within a period of four weeks from the date of receipt of the copy of this order.

6. In the result, this writ petition is disposed of with the above direction. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

rpp

To

1. The Principal Secretary  
to Government,  
State of Tamil Nadu,  
Highways & Minor Port (HN-2)

Department, Fort St. George,  
Chennai-600 009.

2. The District Revenue Officer,  
(Land Acquisition Officer),  
Collectorate Building,  
Coimbatore-641 018.

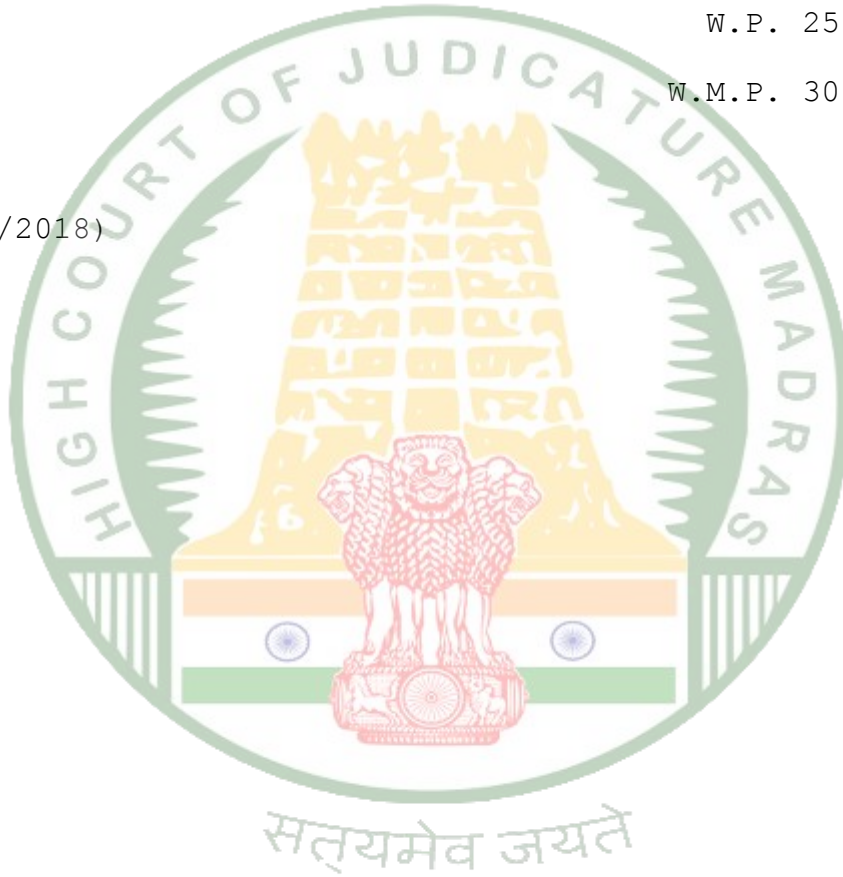
+1cc to Mr.M.Sivavarthanan, Advocate SR.No.70046

+1cc to Government Pleader SR.No.70155

W.P. 25878 of 2018  
and  
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VG II (CO)

GMV (05/12/2018)



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