

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.10.2018

C O R A M

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

Writ Petition No.27392 of 2018
and
WMP.No.31912 of 2018

1. V.P.Velusamy,
S/o.V.K.Periyanna Gounder,
2. V.Kuppathal,
W/o.V.P.Velusamy,
3. B.Umadevi,
W/o.Late S.Balasubramanian
4. B.Saranya,
D/o.Late S.Balasubramanian
5. B.Prakash,
S/o.Late S.Balasubramanian

All are residing at
No.1790 A.L.G.B.Colony,
Ramanathapuram,
Coimbatore-641 045.

... Petitioners

Vs.

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 is 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 petitioners for acquiring the petitioners' land and building in T.S.No.2, Block No.6, 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 land owners as conferred under the Right to Fair Compensation and Transparency in Land Acquisition (Rehabilitation and Resettlement Act), 2013 and pass orders.

For Petitioners : Mr.M.Sivavarthanan

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

The writ petition has been filed seeking a direction to the 2nd respondent/The District Revenue Officer, to issue statutory notices to the petitioners for the land acquisition.

2. The grievance of the petitioners are that, the 1st petitioner purchased undivided share in the land measuring about 893.34 Sq.ft., in the basement (Celler) in T.S.No.2, Block No.6, Ward No.AP(42), out of 2263 Sq.ft., in Document No.2576 of 1996, by a registered sale deed dated 16.06.1996, the 2nd petitioner purchased undivided share in the land measuring about 169 Sq.ft., in the second floor in T.S.No.2, Block No.6, Ward No.AP (42), out of 2263 Sq.ft., in Document No.2788 of 1996, by a registered sale deed dated 15.07.1996 and the 3rd petitioner purchased undivided share in the land measuring about 893.34 Sq.ft., in the ground floor in T.S.No.2, Block No.6, Ward No.AP (42), out of 2263 Sq.ft., in Document No.2577 of 1996, by a registered sale deed dated 16.06.1996 for a valuable consideration from one A.N.Kalyani.

3. Now, the petitioners came to know that the respondents are taking steps to acquire the above lands under the State Highways Act, a notice was issued under Section 15(2) of the Act, was issued in the name of the petitioner vendor namely A.N.Kalyani. After coming to know about the same the petitioners have approached the respondents and filed their objections regarding their ownership, but that was not considered by the 2nd respondent. Hence, the present writ petition has been filed.

4. Today the matter is listed for hearing. Mr.M.Elumalai, learned Government Advocate, appearing for the respondents on instruction submitted that, all the petitioners appeared for the enquiry before the 2nd respondent, they have also filed their

objections, and their objections will be duly forwarded to the 1st respondent/Government, to pass suitable orders.

5. Considering the fact that already the petitioners have appeared for enquiry and filed their objections before the 2nd respondent. After completion of enquiry, the 2nd respondent is directed to forward the same to the 1st respondent. The 1st respondent is directed to consider the objections and pass suitable orders on the objections of the petitioners.

6. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

msvm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
The 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.Sivavarthan, Advocate, SR.NO.75015

W.P.No.27392 of 2018

ssd(CO)
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