

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2018

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.30615 of 2018
and
W.M.P.No.35707 of 2018

S.Pandiyan

... Petitioner

Versus

- 1.State of Tamil Nadu,
Rep by its Secretary,
Fort St.George,
Chennai - 600 009.
 - 2.The District Collector,
Villupuram District, Villupuram.
 - 3.The Executive Engineer(PWD)
Building (C&M) Division,
Villupuram District, Villupuram.
 - 4.The Divisional Engineer-II
Projects, Villupuram Sub-Divisional,
Villupuram.
 - 5.The Assistant Divisional Engineer - II
Projects, Villupuram Sub-Divisional,
Villupuram.
 - 6.The journal Engineer,
Planning Zone,
Seetharam nager, Puthupalayam,
Cuddalore - 1.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, direction to the Respondents to desist from constructing over bridge over the petitioner property in Survey No.9/A1 to an extent of 33 cents and in Survey No.9/3A2 to an extent of 20 cents at Thenputhur Village, Gingee Taluk, Villupuram District, without due process of law.

For Petitioner : Mr.D.Muthukumarappa

For Respondents : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

This Writ Petition has been filed seeking for a direction to the Respondents to desist from constructing over bridge over the petitioner property in Survey No.9/A1 to an extent of 33 cents and in Survey No.9/3A2 to an extent of 20 cents at Thenputhur Village, Gingee Taluk, Villupuram District, without due process of law.

2. It is stated by the petitioner that there was survey conducted on his land to construct the over bridge for agricultural lands, which is only source of income for the petitioner. It is further stated that the respondents proposed to acquire the said lands for the purpose of constructing the overbridge. Therefore, the petitioner has filed this Writ Petition seeking for the aforesaid relief.

3. A counter affidavit has been filed by the fourth respondent. In paragraph 9 of the same, it is stated that the proposed high level bridge across Algramam-Thenputhur road was inspected by alignment committee and based on the approved alignment by the alignment committee, the land acquisition was proposed. It is also stated in paragraph 10 that if the land acquisition proceedings are initiated, the acquisition compensation shall be paid to the petitioner and other land owners after proper notice.

4. Recording the said averment made in the counter affidavit the respondents are directed not to disturb the peaceful possession of the petitioner of the property in Survey No.9/A1 to an extent of 33 cents and in Survey No.9/3A2 to an extent of 20 cents at Thenputhur Village, Gingee Taluk, Villupuram District till land acquisition proceedings are initiated in the manner known to law.

5. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.State of Tamil Nadu,
Rep by its Secretary,
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Chennai - 600 009.
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- 3.The Executive Engineer(PWD)
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- 6.The Zonal Engineer,
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Cuddalore - 1.

A.SK(28/01/2019)

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सत्यमेव जयते

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