



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 27.11.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21080 of 2018 and
W.M.P.(MD)No.18871 of 2018

Lakshmanan

... Petitioner

Vs.

1. The Special Thasildar,
(Land Acquisition),
National Highways 49,
Unit - II, Manamadurai.

2. Project Director,
National Highways Authority of India,
Subramaniapuram 3rd Street,
Karaikudi,
Sivagangai District.

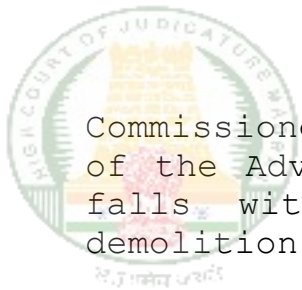
... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents or their agents from acquiring the land in un-notified properties in survey Nos.422/1A1, 422/1A2, 421/2A, Manamadurai Town, Sivagangai District.

For Petitioner	:	Mr.RM.Arun Swaminathan
For R-1	:	Mr.M.Rajarajan, Government Advocate.
For R-2	:	Mr.Arulvadivel @ Sekar Ms.J.Anandhavalli, Advocate Commissioner.

O R D E R

This Writ petition has been filed by one Lakshmanan for forbearing the respondents from acquiring the lands which have not been covered by the acquisition notification. This Court appointed Ms.J.Anandavalli, Advocate and Mr.Veilkani Raju, Advocate as Advocate Commissioners to conduct a spot inspection and give a report as to whether the respondents have carried out demolition even in respect of un-notified properties in the lands comprised in survey Nos.422/1A1, 422/1A2, 421/2A, Manamadurai Town, Sivagangai District. The Advocate Commissioners were permitted to take the assistance of the Head Surveyor of Virudhunagar District. After conducting inspection, the Advocate



Commissioners have filed a report dated 23.11.2018. The conclusion of the Advocate Commissioners is that the demolition so far done falls within the lands acquired by the respondents. The demolition works are not complete.

2. The learned Standing counsel appearing for the second respondent would state that they would confine their work and activities to the lands that fall within the acquisition notifications and that they would not go beyond it. This undertaking given by the learned Standing counsel appearing for the second respondent is placed on record.

3. The learned counsel appearing for the Writ petitioner has filed his objections to the Advocate Commissioners' report.

4. I am of the view that this Court while exercising its jurisdiction under Article 226 of the Constitution of India cannot go into such disputed question of fact. It is always open to the Writ petitioner to claim damages, if he can establish that the un-notified properties have also been taken over by the authorities.

5. The Writ petition stands dismissed, accordingly. No costs. Consequently, connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS-IV)

To

1. The Special Thasildar,
(Land Acquisition),
National Highways 49,
Unit - II, Manamadurai.

2. Project Director,
National Highways Authority of India,
Subramaniapuram 3rd Street,
Karaikudi, Sivagangai District.

+1cc to Mr.RM.Arun Swaminathan, Advocate, Sr.No.97146.

+1cc to Mr.Arulvadivel @ Sekar, Advocate, Sr.No.97144.

+1cc to Special Government Pleader Sr.No.97361.

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