

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.01.2019

CORAM
THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P. 668 of 2019
and
W.M.P.s 724 & 726 of 2019

L.Srinivasalu

... Petitioner

Vs

1. The District Collector,
Kancheepuram District,
Kancheepuram.
2. District Revenue Officer,
Kancheepuram District,
Kancheepuram.
3. The Special Tahsildar,
Land Acquisition,
Oragadam Industrial Infrastructure,
Sriperumbudur,
Kancheepuram-602 105.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorari calling for records pertaining to Na.Ka.24971/2015/F2 dt. 04.12.2018 published in Dhina Mani newspaper on 10.12.2018 published by 2nd respondent and quash the same.

For Petitioner : Mr.R.Subramanian

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

O R D E R

This Writ Petition has been filed challenging the notice issued under Sec.15(2) of the Tamil Nadu Highways Act (hereinafter called as 'Act').

2. The main grievance of the petitioner is that earlier, the 3rd respondent issued a notice under Sec.15(2) of the Act on 20.10.2017, stating that only an extent of 40 sq. mtrs. of petitioner's land was sought to be acquired, for which the petitioner also submitted his objections. Subsequently, after one year, the present impugned notice dated 04.12.2018 under

Sec.15(2) of the Act has been issued stating that the 3rd respondent want to acquire 71 sq.mtrs. of land. Being aggrieved with the same, the petitioner has already submitted his objections on 18.12.2018 on the ground that all of a sudden, the respondents cannot change the extent of the land and issue fresh notification after the lapse of one year, so far, that representation was not considered. Now, the respondents are taking steps to issue a notice under Sec.15(1) of the Act without considering his objections. Hence, the present Writ Petition has been filed by the petitioner.

3. Earlier, notice was ordered to the respondents. Today, when the matter was taken up for hearing, Mr.D.Raja, learned Addl. Government Pleader, on instructions, submitted that the enquiry is still pending, and the respondents have received the objections sent by the petitioner, and the Land Acquisition Officer will consider the objections after giving the opportunity to the petitioner.

4. Considering the above submissions, without going into the merits of the contentions of the petitioner, the 3rd respondent is directed to consider the petitioner's objection after giving the opportunity to the petitioner and submit the details of enquiry before the Government to pass suitable orders as per law. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

rpp

To

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.District Revenue Officer,
Kancheepuram District,
Kancheepuram.
- 3.The Special Tahsildar,
Land Acquisition,
Oragadam Industrial Infrastructure,
Sriperumbudur,
Kancheepuram-602 105.

+1cc to Mr.R.Subramanian, Advocate, S.R.No.6843
+1cc to the Government Pleader, S.R.No.6946

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and

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rrs 07/03/2019



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