

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.08.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.Nos. 22890 & 22891 of 2010
and
M.P.Nos. 1, 1, 2, 2, 3 & 3 of 2010

D.Selvanathan ...Petitioner in W.P.No. 22890 of 2010
Smt. S.Lakshmi ...Petitioner in W.P.No. 22891 of 2010

vs

1. The State of Tamil Nadu - Rep. by
its Secretary to Government Highways
and Minor Ports Departments,
Chennai - 600 009.
 2. The District Collector,
Thiruvarur District,
Thiruvarur.
 3. The Divisional Engineer (N H),
Thanjavur Highways Department,
Thanjavur.
 4. The Tashildar,
Mannargudi Taluk,
Mannargudi.
- ... Respondents in both writ petitions

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Certiorari, calling for the entire records of the 1st Respondent's Order made in GO (D) No. 115 Highways and Minor Ports (HV2) dated 27.07.2010 published in Tamil Nadu Government Gazette, Extraordinary dated 28.07.2010 followed by the Consequential Order of the 4th Respondent issued in Form F dated 09.09.2010 in R.C.No. 16635/2007/B2 and quash the same is so far as the Petitioner's Land and Buildings are concerned situated in S.Nos. 379/8C & 42/12 for an extent of 0.17.50 & 0.09.73 Hectares in Mahadevapattinam Village, Mannargudi Taluk, Thiruvarur District.

For Petitioners : M/s.Thiruvenkataswamy
(in both Writ petitions)

For Respondents : Mr.M.Elumalai
Government Advocate.
(in both Writ petitions)

C O M M O N O R D E R

The prayer sought for in these Writ Petitions is for issuance of a Writ of Certiorari, calling for the entire records of the 1st Respondent's Order made in GO (D) No. 115 Highways and Minor Ports (HV2), dated 27.07.2010 published in Tamil Nadu Government Gazette, Extraordinary dated 28.07.2010 followed by the Consequential Order of the 4th Respondent issued in Form F dated 09.09.2010 in R.C.No.16635/2007/B2 and quash the same in so far as the Petitioner's Land and Buildings situated in S.Nos. 379/8C & 42/12 for an extent of 0.17.50 & 0.09.73 Hectares in Mahadevapattinam Village, Mannargudi Taluk, Thiruvarur District.

2. The learned Government Pleader appearing for the respondents would submit a Letter dated 05.08.2019 and the relevant paragraphs therein are as follows;

" ... Since the Central Road Fund (CRF) given by Central Government is a time bound fund project, the fund will be available only for a limited period and also due to the two writ petition which had given status quo by the Hon'ble High Court of Madras, in this juncture situation had arisen to lapsing of funds and hence the higher authorities had decided to widen the road in the existing alignment in these two land acquisition stretches and the work had been done in the existing alignment on 2011 without lapsing of funds. From then on, the road was put into use without the land acquisition. Hence as on date Land Acquisition is not necessary for the above work.

In addition to that, recently Land Administration Department has issued a letter, mentioned that the land not put into use which has been proposed for acquisition under Highways Land Acquisition Act 2001 should be handed over to the respective parties as per reference (2). Hence considering all the above, I request the Government Pleader to submit this to the Court and make necessary arrangement to close the case."

3. In view of the above, nothing survives in the present writ petitions for further adjudication. Accordingly, the present writ petitions stand closed and the respondents are directed to pass appropriate orders, on the application filed by the petitioners, if any. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmm
To

1. The State of Tamil Nadu - Rep. by
its Secretary to Government Highways
and Minor Ports Departments,
Chennai - 600 009.
2. The District Collector,
Thiruvarur District,
Thiruvarur.
3. The Divisional Engineer (N H),
Thanjavur Highways Department,
Thanjavur.
4. The Tashildar,
Mannargudi Taluk,
Mannargudi.

+1cc to Mr.K.A.Ravindran, Advocate Sr.67498
+1cc to the Government Pleader Sr.68063

W.P.Nos. 22890 & 22891 of 2010

WEB COPY

gp[col
srg 15/10/2019