

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2019

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THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.5252 of 2019 and
WMP.No.5957 of 2019

A.Bhasheer Ahemed

.. Petitioner

..VS..

1. The Divisional Engineer,
Chennai City Roads Division,
Chennai-600 015.
2. The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Plan,
Division-IV, Chennai-16.
3. The Divisional Engineer (H),
CMDP, Division-II,
Saidapet, Chennai-15.
4. The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance Office,
Tambaram Sub Division,
Chennai-600 042.
5. The Special Deputy Collector,
Land Acquisition,
Tamil Nadu Urban Development Scheme (III),
New Street, Super Bazaar,
Commercial Complex, Alandur,
Chennai-16.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 3 and 5 to consider the representation of the petitioner dated 28.01.2019.

For Petitioner : Mr.Sankar Ramasamy

For Respondents : Mr.C.Thirumaran, Spl.G.P.

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents 3 and 5 to consider the representation of the petitioner dated 28.01.2019.

2. Learned Counsel appearing for the petitioner submitted that the petitioner is the absolute owner of the properties comprised in Survey Nos.414/1A7, 414/6 and 414/1AB measuring an extent of 5730 sq.ft. Situated at Medavakkam Village, Tambaram Taluk, Kancheepuram District and the same were purchased from R.Raja, K.Muthusamy, V.Valliappan and V.Thirunavukarasu under a Registered Sale Deed dated 18.07.2017. When the petitioner is in possession and enjoyment of the said propertis, a Public Notice dated 23.11.206 was published in the Dhinamani Daily Newspaper issued under Section 15(2) of the Tamil Nadu Highways Act, 2001 stating that certain lands are to be acquired for the purpose of expansion o f the road and construction of flyover and in that Notice,

the petitioner's previous landowners names have also been mentioned along with the Survey Numbers as 414/1A7A and 414/1A8A instead of 414/1A7 and 414/1AB. Now the grievance of the petitioner is that he being the subsequent purchaser, he was not served with any notice whatsoever in respect of the acquisition of his lands. In this regard, the petitioner sent a representation dated 28.01.2019 to all the respondents, but, there is no response for the same. Hence, the present Writ Petition.

3. Learned Special Government Pleader appearing for the respondents submitted that the petitioner without challenging the acquisition proceedings and the notice published under Section 15(2) of the Tamil Nadu Highways Act, 2001, made a representation dated 28.01.2019 to the 5th respondent with a copy marked to all the respondents. He further submit that so far, the award amount has not been passed in respect of the lands of the petitioner and the same is under consideration. Therefore, a direction may be issued to the 5th respondent to consider the representation of the petitioner dated 28.01.2019.

4. Recording the same, this Court is inclined to direct the 5th respondent, namely, the Special Deputy Collector, Land Acquisition, Tamil Nadu Urban Development Scheme (III), Alandur, Chennai-16, to consider the representation of the petitioner dated

D.KRISHNAKUMAR, J.

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28.01.2019 on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this Order, after affording an opportunity of hearing to the petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

25.02.2019

Index : Yes/No
Internet : Yes/No
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To

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02.01.2017

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