

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :29.11.2019

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WRIT PETITION NO.25673 OF 2019

Mr.V.G.Jayakumar

.. Petitioner

/versus/

1. The District Collector,
Thriuvallur District.
2. The Chief Engineer National Highways,
No.76, Sardar Patel Road,
Guindy, Chennai 600 025.
3. The Project Director,
National Highway Authority of India,
Sri Tower, 3rd Floor, DP-34(SP),
Industrial Estate, Guindy,
Chennai 600 032.
4. Director General of State Highways Department,
HRS Campus, 76, Sardar Patel Road,
Little Mount, Guindy, Chennai,
Tamil Nadu 600 025.
(R4 impleaded as per order dated
15/11/2019 made in W.M.P.No.31854/2019
in W.P.No.25673 of 2019 by GJJ)

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus to direct the 3rd respondent to consider petitioner's representation letter dated 27.03.2018.

For Petitioner :Mr.V.Chandraprabu

For Respondents:No appearance for R1 and R4
Mr.Su.Srinivasan,
Standing Counsel for R2 & R3

O R D E R

This writ petition has been filed seeking Writ of Mandamus to direct the 3rd respondent to consider petitioner's representation letter dated 27.03.2018.

2.The grievance of the petitioner herein is that the 3rd respondent, without any intimation or permission or following the due process of law, has set up a storm water drain over the property in the year 2015 to an extent of 550 sq.ft in front of his property. Inspite of several representations, they have not paid the compensation for the land acquired or removed the structure put up without proper legal authority. On 27.03.2018, the representation has been sent to the 3rd respondent by the petitioner herein requesting him to remove the storm water drain put up by the Highways Department on his land at T.S.No.2/2, Ward D Block 54, near Madhavaram Round Tana, Thiruvallur District or alternatively award compensation for occupation of his land. A copy of this representation has also been sent to the District Collector, Tiruvallur and the Chief Engineer, National Highways Department. Since no action has been taken, the present writ petition is filed for the aforesaid prayer.

3.The 3rd respondent/Project Director, National Highways Authority of India has filed counter stating that the storm water drainage put up in the petitioner's land is done by the National Highways of the State Government but not the National Highways Department of the Central Government (in short NHAI).

4.Mr.D.Raja, learned Additional Government Pleader, who took notice on behalf of the 4th respondent has not filed any counter and there is no representation.

5.It is a clear case of illegal encroachment of the petitioner land by the 4th respondent without adopting due process of law. Inspite of the representation given by the petitioner, no action has been taken by the 4th respondent either to remove the encroachment or pay the compensation. Hence, the 4th respondent is directed to assess the damaged value of the property encroached by the 4th respondent and pay the compensation within eight weeks from the date of receipt of a copy of this order.

6.With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ari

To:

1. The District Collector,
Thriuvallur District.
2. The Chief Engineer National Highways,
No.76, Sardar Patel Road,
Guindy, Chennai 600 025.
3. The Project Director,
National Highways Authority of India,
Sri Tower, 3rd Floor, DP-34(SP),
Industrial Estate, Guindy,
Chennai 600 032.
4. Director General of State Highways Department,
HRS Campus, 76, Sardar Patel Road,
Little Mount, Guindy, Chennai,
Tamil Nadu 600 025.

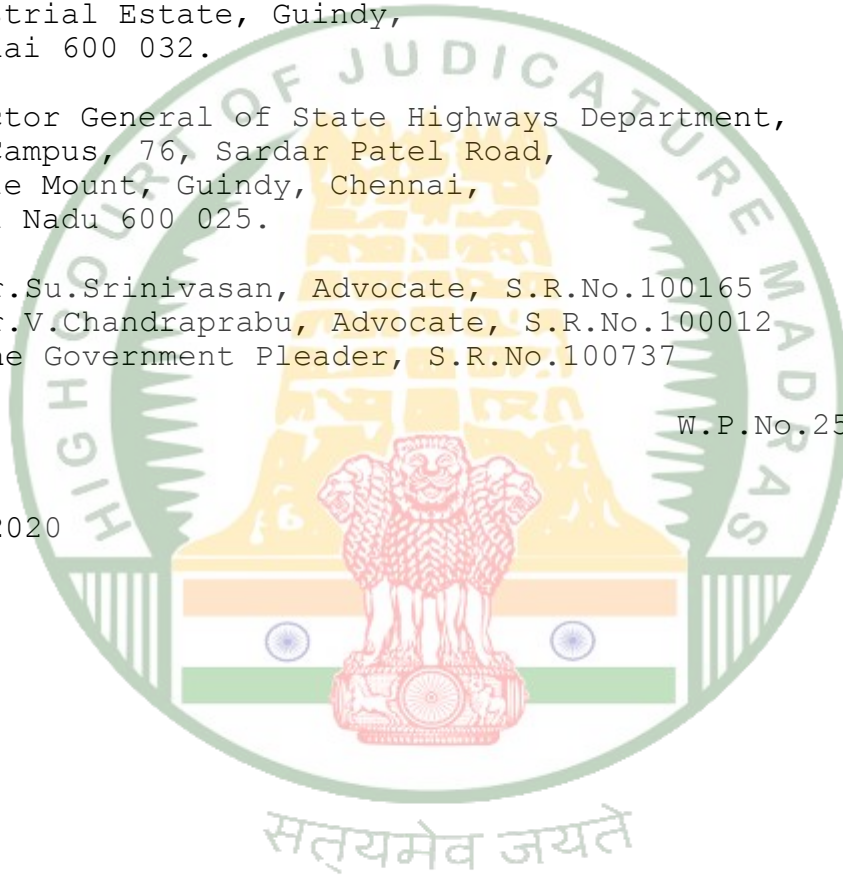
+1cc to Mr.Su.Srinivasan, Advocate, S.R.No.100165

+2cc to Mr.V.Chandraprabu, Advocate, S.R.No.100012

+1cc to the Government Pleader, S.R.No.100737

W.P.No.25673 of 2019

PM(CO)
CS/07/01/2020



WEB COPY