

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.09.2019

Coram:

THE HONORABLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.27347 of 2019
and
W.M.P.No.26783 of 2019

B.K.Babu @ B.Palgunasekar

.. Petitioner

/versus/

1.The Project Director,
SRI Towers, 3rd Floor,
DP-34(SP) Industrial Estate,
Guindy, Chennai 600 032.

2.The Competent Authority and
Special District Revenue Officer(L.A)
National Highways-205,
Tiruvallur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from any way dispossessing the petitioner's land and property measuring an extent of 1289 sq.ft out of the total extent of 2904 sq.ft comprised in Survey No.114/2A13 of Sevvapet Village, Tiruvallur Sub Registration District without acquiring and following the procedures contemplated under the National Highways Act.

For Petitioner :Mr.K.Sakthivel

For Respondents :Mr.Su.Srinivasan for R1
Mr.D.Raja,AGP for R2

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O R D E R

The prayer in the writ petition is to issue a Writ of Mandamus forbearing the respondents from any way dispossessing the petitioner's land and property measuring an extent of 1289 sq.ft out of the total extent of 2904 sq.ft comprised in Survey No.114/2A13 of Sevvapet Village, Tiruvallur Sub Registration

District without acquiring and following the procedures contemplated under the National Highways Act.

2. Heard the learned counsel appearing for the petitioner and learned counsel appearing for the 1st respondent and learned Additional Government Pleader appearing for the 2nd respondent.

3. The first respondent, under the National Highways Act, 1956 has acquired 1615 sq.ft of land out of 2904 sq.ft and paid compensation. The remaining 150 sq.meters of land is still in possession of the petitioner. While so, without private negotiation or acquisition proceedings, the first respondent is trying to take away the remaining land without following due process of law.

4. The learned Additional Government Pleader appearing for the 2nd respondent would submit that the petitioner has offered his remaining land of 150 sq.mtrs but there is no intention of taking over his land without following due process of law.

5. Recording the same, the writ petition is disposed of. If the respondents are in requirement of the petitioner's land, the same may be acquired in the manner known to law and not otherwise. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

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To:

1.The Project Director,
SRI Towers, 3rd Floor,
DP-34(SP) Industrial Estate,
Guindy, Chennai 600 032.

2.The Competent Authority and
Special District Revenue Officer(L.A)
National Highways-205,
Tiruvallur.

+1 cc to the Government Pleader High Court Madras
sr 83999

W.P.No.27347 of 2019

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