

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.154 of 2017
and
C.M.P.No.2699 of 2017

M/s.Ceedeeyes Standard Towers Private Ltd.,
Rep. by its Managing Director,
No.42, Second Main Road,
Gandhi Nagar, Adyar,
Chennai - 600 020.

... Appellant

Vs

1.The District Collector of Chennai,
Rajaji Salai,
Chennai - 600 001.

2.The Special Tahsildar (LA),
Highways Mambalam - Guindy Taluk,
Taluk Office Complex,
Ashok Nagar,
Chennai - 600 078.

3.The Commissioner (ULC),
Alandur,
Chennai - 16.

4.The Executive Engineer (PWD),
Kancheepuram.

5.The Secretary,
Highways Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

...Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters patent against the order dated 14.09.2019 passed in W.P.No.26794 of 2004 on the file of this Court.

Prayer in W.P.No.26794 of 2004:

Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the notice in form A and dated 22/7/2004 in Ref.No.MG/LAI/2002 issued on behalf of the 1st Respondent purporting to be under Section 15(2) of Tamil Nadu High ways Act 2001 and to quash the said notice and to grant such relief or reliefs as deemed fit and proper in the facts and circumstances to the case.

For Appellant : Mr.Thiagarajan, Senior Counsel for
Mr.N.Premkumar.

For Respondents: Mr.V.Anandhamoorthy, Additional
Government Pleader.

J U D G M E N T

(Order of the Court was delivered by N.KIRUBAKARAN, J)

The appeal has been preferred against the order passed by the learned Single Judge dismissing the Writ petition filed to call for the records relating to the notice in Form A and dated 22.07.2004 in Ref.No.MG/LA1/2002 issued on behalf of the 1st respondent purporting to be under Section 15[2] of Tamil Nadu High Ways Act 2001 and to quash the said notice.

2.When the matter is called today, Mr.Thiagarajan, learned Senior Counsel for the appellant would submit that it would be sufficient if the boundary line is drawn by the Highways Authorities and accordingly, the revenue records are also changed.

3.Mr.V.Anandhamoorthy, learned Additional Government Pleader produced a communication from the Tahsildar, Velachery dated 15.06.2018 stating that appellant is in possession of the excess land of five cents and he constructed a compound wall on the respondents boundary.

4.The learned Senior Counsel for the appellant would only seek drawing of the boundary line by the Highways Authorities and mutation of revenue records showing that the petitioner is the owner of the property to an extent of five cents.

5.Therefore, the Highways Authorities are directed to draw the boundary line at 17.5 cents in S.No.329 at Velachery Taluk within a period of two weeks from the date of receipt of the copy of this order and serve the copy of the same to the other side and produce before this Court and mutation of revenue records shall also be done by the Revenue Authorities within a period of ten days from the proceedings of the Highways Authorities.

6.With the above directions, this Writ appeal is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector of Chennai,
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Chennai - 600 001.

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5.The Secretary,
Highways Department,
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Fort St.George,
Chennai - 600 009.

Copy to

The Registrar (Judicial)
High Court, Madras.

+lcc to Mr.M.Premkumar, Advocate Sr.92740
+lcc to the Government Pleader Sr.91133

W.A.No.154 of 2017
and
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srg 26/11/2019