

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.11.2019

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

Writ Petition No.32479 of 2019

and W.M.P.No.32802 of 2019

Mr.C.Jeevagan

.. Petitioner

/versus/

- 1.The Director General,
Tamil Nadu Highways,
76, Sardar Patel Road,
Guindy, Chennai.
- 2.The Project Director,
Highways Department,
Tamil Nadu Road Sector Project II,
Chennai-Kanyakumari Industrial Corridor Project,
No.171, Kesavaperumalpuram,
Greenways Road,
Raja Annamalaipuram,
Chennai-600 028.
- 3.The Chief Engineer,
Highways Department,
Chennai-Kanyakumari Industrial Corridor Project,
Mettu Street,
Kancheepuram Town,
Kancheepuram District.
- 4.The Divisional Engineer,
Highways Department,
Chennai-Kanyakumari Industrial Corridor Project,
Arni Road, Vandavasi Town,
Thiruvannamalai District.
- 5.The special District Revenue Officer, (LAO),
Chennai-Kanyakumari Industrial Corridor Project,
No.16, Visalakshi Nagar,
Sevilimedu, Kanchipuram-631 502.
- 6.The Special Tahsildar, (Land Acquisition),
Chennai-Kanyakumari Industrial Corridor Project,
Vandavasi Town,
Thiruvannamalai District.

7.The Village Administrative Officer,
Office of VAO, Birudur Village,
Thiruvannamalai District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari Mandamus, to call for the records of the acquisition proceedings of the 5th respondent bearing Na.Ka.No.(Aa3)04/2019 dated 15.10.2019 initiated as against the lands of the petitioner herein in Survey Nos.359/5, 359/6 & 359/7 of Birudur Village, Thiruvannamalai District and quash the same as illegal, against Natural justice and well established law; and consequently pass a direction directing the 5th respondent to drop all the further proceedings pursuant to the impugned order.

For petitioner : Mr.V.R.Appaswamee
For Respondents : Mr.D.Raja
Addl.Govt.Pleader

O R D E R

The case of the petitioner is that, without following the procedure for acquisition, the Highways department is trying to demolish his building, which is abutting to the highways.

2. The specific case of the petitioner is that, when the officials of the Highways department measured the road and made some mark in his building, he gave a representation on 05.09.2019 to stop the activity without any notice under Section 15(2) of the Tamil Nadu Highways Act for acquisition, the District Revenue Officer issued a notice for enquiry dated 15.10.2019 inviting objections, if any. In response to the notice, the petitioner attended the enquiry on 05.11.2019 and submitted records to show that the land which the highways department trying to encroach, is not a part of the acquisition proceedings mentioned in the show cause notice. Despite his representation, the respondent intend to demolish his building and take away the land hence, the present writ petition is filed.

3. The learned Additional Government Pleader submits that, the impugned notice calling for objection issued by the District Revenue Officer/5th respondent indicates that the land of the petitioner in Survey Nos.359/5, 359/6 and 359/7 have already notified for acquisition, for the purpose of expansion of the road vide paper publication dated 03.02.2019 under Section 15(2) of the Tamil Nadu Highways Act, 2001 and the petitioner was invited to submit his objection, if any. After

receiving the objection from the petitioner and on verification of records, it was found that there was no notification under Section 15(2) in respect of Survey Numbers owned by the petitioner. So, the 5th respondent has recalled the impugned notice dated 15.10.2019 issued to the petitioner herein and in his proceedings dated 21.11.2019 he has also informed the petitioner that in future if the land is required, they will follow the procedure as contemplated under the law and proceed against his land. The petitioner's objection accepted and the notice dated 15.10.2019 is recalled.

4. In view of the proceedings of the 5th respondent dated 21.11.2019 recalling his notice dated 15.10.2019, this writ petition is dismissed as infructuous. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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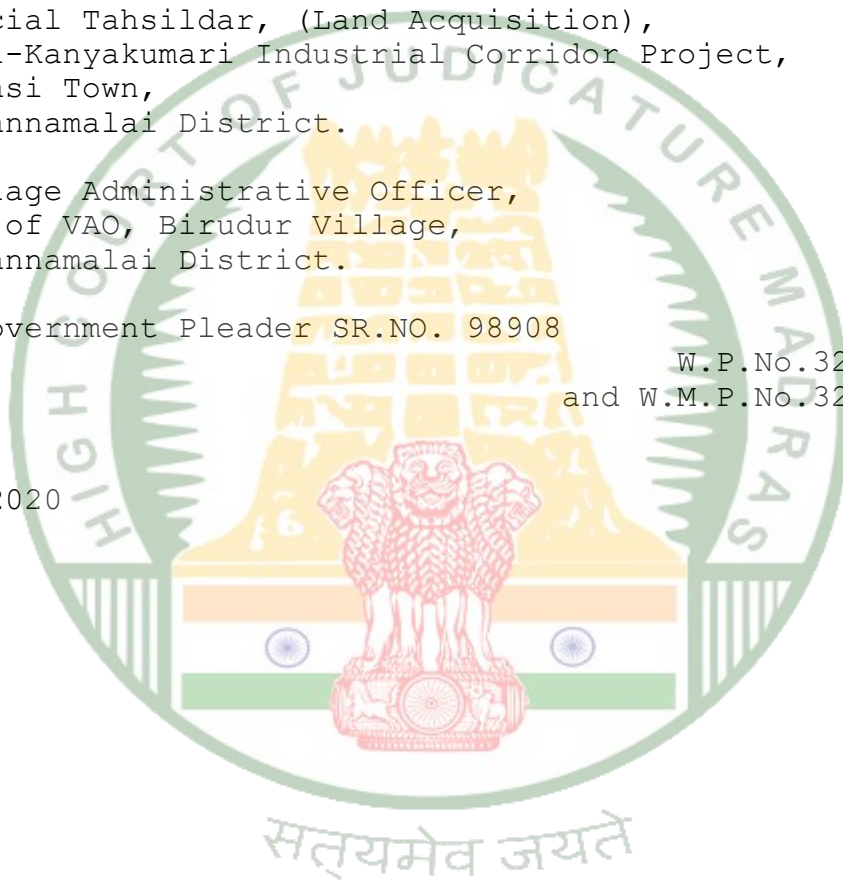
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+1cc to Government Pleader SR.NO. 98908

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