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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.10.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P (MD)No.20613 of 2019

and

W.M.P (MD)No.17247 of 2019

Muthupandi

... Petitioner

/Vs./

1.The District Collector, Madurai District, Madurai.

2.The Chief Executive Engineer,
Highways Department, Guindy, Chennai.

3.The Superintendent of Engineer,
Highways Department, Madurai District, Madurai.

4.The Assistant Executive of Engineer,
Highways Department,
Constructions of High Level Bridge Across the river Vaigai
connecting
Paravai in SHU 100 and Thuvariman in Madurai Melakal Road,
Madurai (234), Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to cancel the malafide land acquisition bearing S.No.101/1A, and other related lands prevailing at Paravai village-Bit I and II, Madurai North Taluk, Madurai District, which is proposed as 3rd plan in the Construction of High Level Bridge Across the River Vaigai Connecting Paravai in SHU 100 and Thuvariman in Madurai Melakal Road, Madurai (234), and to direct the 4th respondent to execute the first land acquisition project based on the 1st respondent proceedings in Na.Ka.No.2693/2015/B4 dated 12.03.2018, as per the petitioner's representation dated 08.07.2019.

For Petitioner : Mr.S.Krishnan

For Respondents : Ms.V.P.M.Vaishnavi

Government Advocate

ORDER

Read this in conjunction with and in continuation of earlier proceedings of this Court dated 25.09.2019, which reads as follows:

'Mr.S.Krishnan, learned counsel on record on behalf of writ petitioner is before this Court.

2. Subject matter of instant writ petition is land comprised in S.No.101/1A in Paravai Village, North Taluk, Madurai District (hereinafter referred to as 'said land' for the sake of



brevity).

3. It is submitted that writ petitioner has patta for the said land and Patta Number is 867, though the same has not been filed as part of typed set of papers. It is also submitted that said land admeasures 17 cents or thereabouts. Highways Department originally issued a land acquisition notification dated 12.03.2018 and the same was rescinded. Thereafter, notification was issued on 14.02.2019, but in both these notifications, said land does not feature.

4. Writ petitioner sent a representation dated 08.07.2019 saying that attempts are being made to acquire said land, though it does not feature in the said notifications and the Divisional Engineer of Highways Department has sent a reply dated 12.07.2019 stating that the acquisition which is for building a bridge across Vaigai river connecting Paravai Village and Thuvarimaan shall be done without agriculturalists being affected.

5. Notwithstanding the reply, attempts to acquire said land without notification are underway is writ petitioner's say.

6. Ms.V.P.M.Vaishnavi, learned Government Advocate accepts notice for all the four (4) respondents and seeks time to get instructions.

7. Writ petitioner is permitted to file additional typed set of papers and bring it on board in the next listing.

8. Registry to show name of the State counsel in the next listing.

9. List in the motion list on **30.09.2019.**

2. Pursuant to earlier proceedings, learned State counsel has today filed a typed set of papers dated 04.10.2019 and states that counter affidavit is not necessary.

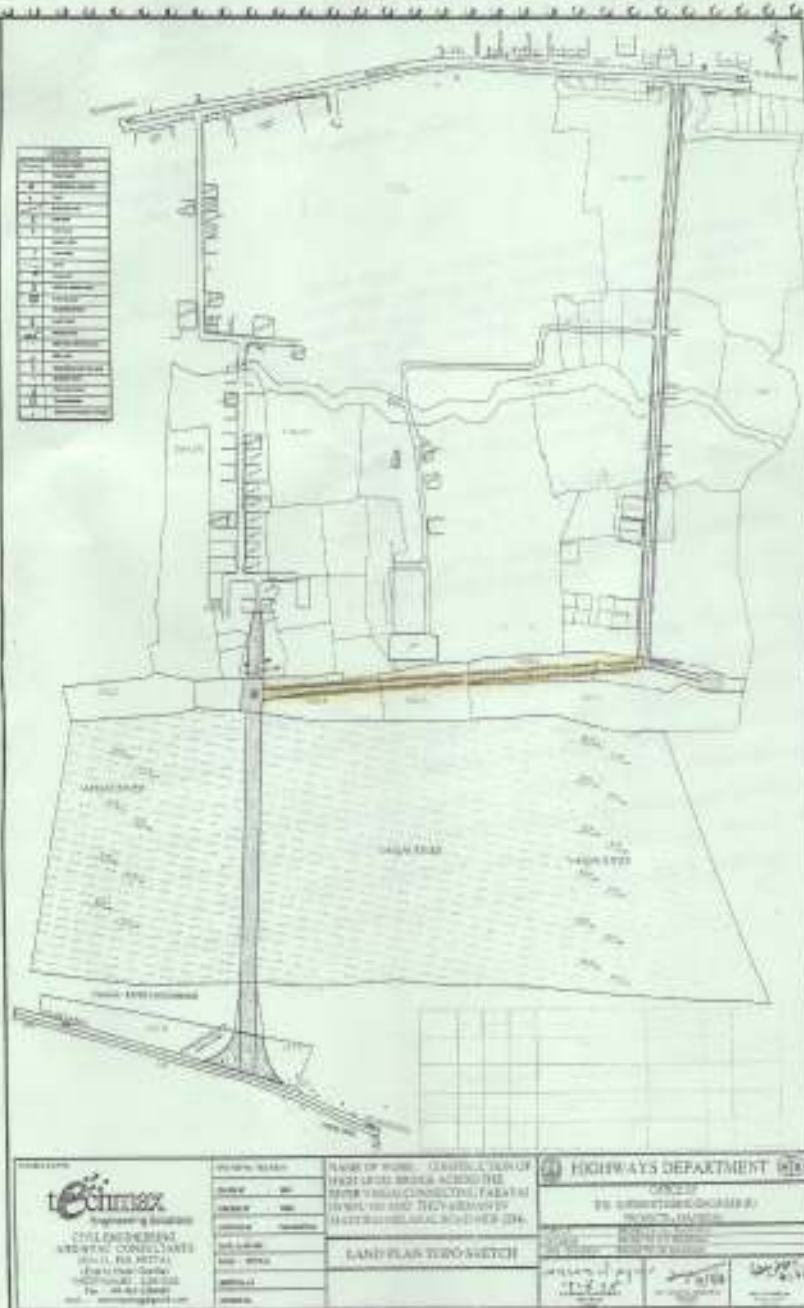
3. Adverting to the acquisition notification dated 09.07.2018 as well as rough sketch at page Nos.1 and 4 of the typed set of papers, learned State counsel submits that S.No.101/1A or in other words, said land does not form part of the acquisition.

4. This submission as well as the notification and sketch are recorded.

5. The rough sketch is as follows:

<https://hcservices.ecourts.gov.in/hcservices/>

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6. In the light of the aforesaid stated position of the respondents, it would suffice if the same is recorded and writ petition is disposed of.

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7. Instant Writ Petition is disposed of as 'closed'. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The District Collector, Madurai District, Madurai.

2.The Chief Executive Engineer,
Highways Department, Guindy, Chennai.

3.The Superintendent of Engineer,
Highways Department, Madurai District, Madurai.

4.The Assistant Executive of Engineer,
Highways Department,
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connecting
Paravai in SHU 100 and Thuvariman in Madurai Melakal Road,
Madurai (234), Madurai.

+1cc to M/s.Special Government Pleader,SR.No. 91656

Order made in
W.P(MD)No.20613 of 2019

Dated:
04.10.2019

KK/SAR/22.10.2019/4P-6C/