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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2020

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THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.72 of 2020

and

W.M.P.Nos.82 & 83 of 2020

1.Vasanth,
W/o PR.P.Velappan

2. V.Vinodh,
S/o PR.P.Velappan

... Petitioners

vs

1. The Government of Tamil Nadu,
represented by its Secretary to Government,
Highways and Minor Ports Department,
Fort St.George, Chennai - 600 009.

2. The Project Director,
Chennai-Kanyakumari Industrial Project,
TNMB Building, First Floor,
R.A.Puram, Chennai - 600 028.

3. The Chief Engineer,
Chennai Kanyakumari Industrial Corridor Project,
State Highways Department,
Sirdar Patel Road, Guindy,
Chennai - 600 032.

4. The Divisional Engineer,
Chennai Kanyakumari Industrial Corridor Project,
Kumbakonam.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the 4th respondent herein bearing Lr.No.12/2019/AE/CKICP dated 7.8.2019 and quash the same and direct the respondents herein to consider the petitioners' alternative proposal in laying the Kumbakonam Mannarkudi



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Adhiramapattinam Road (SH 66) as per the alignment suggested in the petitioners' representation dated 30.07.2019.

For Petitioners: Mr.AR.L.Sundaresan,
Senior counsel
for Mrs.AL.Ganthimathi

For Respondents : Mr.R.Govindasamy,
Special Govt.Pleader for R1 to R4

O R D E R

This writ petition is filed challenging the proceedings of the 4th respondent dated 07.08.2019, wherein and whereby, the re-alignment request made by the petitioners while forming Kumbokanam Mannarkudi Adhiramapattinam Road (SH 66) was considered as not feasible. Consequently, the petitioners seek for direction to the respondents to consider their alternative proposal in letting the said road as per alignment suggested by them through their representation dated 30.07.2019.

2. Heard Mr.AR.L.Sundaresan, learned senior counsel appearing for the petitioners and Mr.R.Govindasamy, learned Special Government Pleader appearing for the respondents.

3. Since the dispute between the parties have been settled during the pendency of the writ petition, as narrated below, the facts and circumstances which warranted the petitioners to approach this Court are not discussed in detail.

4. It is seen that the petitioners' land is subjected to acquisition proceedings under the National Highways Act for the purpose of widening the said road. It is further seen that the petitioners made some realignment proposal before the authorities which was not originally considered favourably through the impugned proceedings. After entertaining this writ petition, by way of interim order dated 12.02.2020, this Court passed the following order.

"4. Without going into the merits, the petitioners/ representative of the petitioners may meet the second respondent, namely the Project Director, Chennai - Kanyakumari Industrial Project, TNMB Building, First Floor, R.A.Puram, Chennai - 600 028, and explain to him the difficulties the petitioners would face by the road being laid right in the middle of the petitioners land and also offer



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an alternate suggestion, as proposed by the petitioners, and the Project Director may give an audience and consider the representation of the petitioners and thereafter, a report may be filed before this Court regarding the outcome of the meeting.

5. The petitioners/representative of the petitioners may meet the second respondent on 21.02.2020 or again on 24.02.2020 between 11.00 AM and 12.00 Noon and thereafter, the report of the said meeting may be filed in writing both by the petitioners and also the respondents herein. The said report may be filed before this Court on 02.03.2020."

5. Thereafter, the parties have met and come to an understanding. Accordingly, a report is filed by the 2nd respondent dated 06.03.2020 before this Court today, wherein at paragraph Nos. 14 to 18, it is stated as follows:

"14. It is respectfully submitted that since the land parcel of the petitioners is a continuation of built up section, where the proposed design cross section is 16m. the same could be applied to the realignment proposed in the land parcel of the petitioners' lands and as such the reduction to 16m width instead of 23m width would reduce the extent of acquisition in land parcel of the petitioners.

15. It is respectfully submitted that necessary compensation will be sanctioned and paid to the petitioners in accordance with the RFCTLARR Act, 2013 (OR) by following the procedure for purchasing the land through private negotiation, subject to the choice of the petitioner.

16. Since, the Writ Petitioners have come forward to accept the proposed alignment in full, and they have no objection for the acquisition of their lands by the Respondents, the Respondents in turn have agreed to the demand of acquiring the Lands of the petitioners said to be redundant in survey nos. 171/4B1B, 171/30 and 171/3B1, 171/3B2 (which is marked green in the petitioner's site Plan) in addition to the land of 1375 square meter in survey nos. 171/3B1 and 171/3B2 for the improvement of Kumbakonam - Mannargudy - Adhiramapattinam road (SH 66).

17. In these circumstances, the Respondent humbly submits, that since the issues between the



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Petitioners and Respondents have been settled amicably, this Respondent prays, that this Hon'ble Court may be pleased to close the above Writ Petition, W.P.No.72/2020, and hereby render justice.

18. This Respondent also submits the following Relevant Documents relating to the above Report, for the kind perusal of this Hon'ble Court.

ENCLOSURES:

1. Minutes of the discussion held on 21.02.2020
2. Minutes of the discussion held on 24.02.2020.
3. Written representation of the writ petition

Thiru. V. Vinodh dated 25.02.2020 with Site Plan

4. Photographs taken on 21.02.2020 and 24.02.2020
(2 nos.) "

6. Learned senior counsel for the petitioners submitted that this Writ Petition can be closed by recording the above understanding arrived between the parties as stipulated in paragraph Nos.14 to 18 of the said report.

7. Learned Special Government Pleader also seeks for recording the said report and disposing the writ petition, based on such report.

8. Considering the above stated facts and circumstances and in view of the understanding arrived between the parties which is extracted at paragraph Nos.14 to 18 of the said report, this Writ Petition is disposed of as follows:

(a) The report filed by the 2nd respondent dated 06.03.2020 with annexures shall form part of the order made in this writ petition.

(b) Both the parties are directed to adhere to the understanding arrived between them as stated in paragraph Nos.14 to 18 of the said report dated 06.03.2020.

(c) In view of the report filed supra, to which both parties agree, further proceedings can go on in terms of the understanding arrived between the parties.



No costs. Consequently, connected miscellaneous petitions are closed.

*The Xerox Copy of the Report of the Second Respondent enclosed

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
Highways and Minor Ports Department,
Fort St.George,
Chennai - 600 009.
2. The Project Director,
Chennai-Kanyakumari Industrial Project,
TNMB Building, First Floor,
R.A.Puram,
Chennai - 600 028.
3. The Chief Engineer,
Chennai Kanyakumari Industrial Corridor Project,
State Highways Department,
Sirdar Patel Road, Guindy,
Chennai - 600 032.
4. The Divisional Engineer,
Chennai Kanyakumari Industrial Corridor Project,
Kumbakonam.

+1cc to Mr.A.L.Gandhimathi, Advocate Sr.20911
+1cc to the Government Pleader Sr.24312

W.P.No.72 of 2020

rsv[co]
srg 15/07/2020