

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 2541 of 2020
and
W.M.P. No. 2955 of 2020

C.K. Radharavi

... Petitioner

-vs-

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Tahsildar,
Thirupporur Taluk,
Thirupporur,
Chengalpattu District.
3. The Divisional Engineer,
Tamil Nadu State Highways,
Periyar Nagar,
Chengalpattu,
Chengalpattu District.
4. The Divisional Engineer,
National Highways Authority of India,
Jai Nagar,
Arumbakkam,
Chennai - 600 106.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the Respondents herein from any manner acquiring the lands belonging to the Petitioner's family bearing Survey Nos. 224/16A1, 224/16A2, 224/16C, 224/19 and 224/20 having patta No. 325, situated at Kottamedu Village, Thirupporur Taluk, Chengalpattu District for the purpose of widening the State Highway namely Kottamedu - Guduvancheri without following due process of law contemplated under the relevant Acts and Rules.

For Petitioners: Mr. J. Selvarajan

For Respondents: Mr. D. Raja,
Additional Government Pleader

O R D E R

The Writ Petition has been filed to forbear the Respondents herein from any manner acquiring the lands bearing Survey Nos. 224/16A1, 224/16A2, 224/16C, 224/19 and 224/20 having patta No. 325, situated at Kottamedu Village, Thirupporur Taluk, Chengalpattu District belonging to the family of the Petitioner for the purpose of widening the State Highway, viz., Kottamedu - Guduvancheri without following due process of law contemplated under the relevant Acts and Rules.

2. In response to the aforesaid contention of the petitioner, it is has been stated in the Counter Affidavit filed by the fourth respondent as follows:-

"4. It is submitted that the Petitioner has filed the above Writ Petition on the basis of a news published in the newspaper that lands are acquired for the purpose of Kottamedu-Guduvancheri State Highways road. In this regard, it is submitted that there is no acquisition proceedings initiated to acquire the lands in Survey Nos. 224/16A1, 224/16A2, 224/16C, 224/19 and 224/20 of Kottamedu Village (Patta No. 325), Thirupporur Taluk, Chengalpattu District. When there is no such acquisition, the Petitioner has filed the present Writ Petition on the presumption that his lands are going to be acquired for the said purpose. It is submitted that when there is no specific notice or publication stating that the above said lands are going to be acquired for the said purpose, the Petitioner has unnecessarily filed the present Writ Petition.

5. It is submitted that some widening work has been carried out in the Highways land. We have not done any work in the Petitioner land. So for we have not initiated any acquisition proceedings for acquiring the Petitioner land.

6. It is submitted that the Respondents are not responsible for the imagination that his lands are going to be acquired for the said purpose. Further, the Petitioner has not challenged any specific notice or publication. Therefore, the above Writ Petition has not merits and it deserves no consideration and liable to be dismissed."

3. In view of the aforesaid submission made by the Fourth Respondent that they have not initiated any proceedings for acquiring the land of the Petitioner, Learned Counsel for the Petitioner seeks permission of this Court to withdraw the Writ Petition reserving the right of the Petitioner to work out his remedies in the event of any acquisition of his land in future, in the manner recognized by law, and he has made an endorsement to that effect, which is recorded.

4. Accordingly, the Writ Petition is dismissed as withdrawn with the aforesaid clarification. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Tahsildar,
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Thirupporur,
Chengalpattu District.
3. The Divisional Engineer,
Tamil Nadu State Highways,
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Chengalpattu,
Chengalpattu District.
4. The Divisional Engineer,
National Highways Authority of India,
Jai Nagar,
Arumbakkam,
Chennai - 600 106.

+1cc to the Government Pleader Sr.16713

W.P. No. 2541 of 2020

ss[co]
srg 04/06/2020