

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.34625 of 2012
and M.P.Nos.1 of 2012 and 1 of 2013

Dr.N.Vijayalakshmi

... Petitioner

Vs.

1. The Special Deputy Collector (Land Acquisition),
Tamil Nadu Urban Development Project - III,
Chennai @ Poonamallee,
Chennai - 600 056.

2. The Special Tahsildar (Land Acquisition),
Tamil Nadu Urban Development Project - III,
Poonamallee,
Chennai.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuing a writ of mandamus forbearing the respondents from acquiring the petitioner's schedule mentioned property beyond the extent of 113 sq.m acquired vide G.O.Ms.No.86 dated 31.05.2012, Highways and Minor Ports (HW1) under Tamil Nadu Highways Act, 2001 published in the Tamil Nadu Government Gazette No.24 dated 20.06.2012.

For Petitioner : Mr.Shrivatsav for Mr.K.Rajasekaran

For Respondents : Mr.M.Elumalai,
Additional Government Pleader

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus forbearing the respondents from acquiring the petitioner's schedule mentioned property beyond the extent of 113 sq.m acquired vide G.O.Ms.No.86 dated 31.05.2012, Highways and Minor Ports (HW1) under Tamil Nadu Highways Act, 2001 published in the Tamil Nadu Government Gazette No.24 dated 20.06.2012.

2.It is the case of the petitioner that though the respondents have acquired an extent of 113 sq.m., they are trying to take possession of more extent of land belonging to the

petitioner, therefore, they should be prevented from doing so.

3.The respondents filed their counter wherein they have categorically stated that an extent of 113 sq.m., was acquired in the year 2012 for the construction of Grade Separator in the intersection of NSK Road (Arcot Road) and Inner Ring Road at Vadapalani. The respondents have specifically stated that the petitioner had also received the compensation of Rs.78,55,182/- for the land acquired. The respondents have further stated that they have not acquired any land over and above the extent of 113 sq.m. and they are not going to take more land than what was acquired except under due process of law.

4.Since the respondents have stated that they are not going to encroach or interfere with the petitioner's possession over and above 113 sq.m.s of land which was acquired except under due process of law, recording the submission made by Mr.M.Elumalai, learned Additional Government Pleader and also the averments stated in the counter affidavit filed by the respondents, the Writ Petition stands closed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Special Deputy Collector (Land Acquisition),
Tamil Nadu Urban Development Project - III,
Chennai @ Poonamallee,
Chennai - 600 056.
2. The Special Tahsildar (Land Acquisition),
Tamil Nadu Urban Development Project - III,
Poonamallee, Chennai.

+1 cc to M/s.K.Rajasekaran, Advocate Sr.No.27712
+1 cc to the Government Pleader Sr.No.27753

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pvs (co)
rr ii (09/09/2020)