

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.08.2020

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

WP.No.10219/2020 & WMP.No.12426/2020

P.Rathinam

..Petitioner

Versus

- 1.The Project Director
Chennai - Kanyakumari Industrial Project
TNMB Building, 1st Floor, R.A.Puram
Chennai 600 028.
 - 2.The Special District Revenue Officer [Land Acq]
Chennai-Kanyakumari Industrial Project,
Salem.
 - 3.The District Collector,
Salem.
 - 4.Divisional Engineer [Highways]
Salem Division, Salem.
- ..Respondents/Respondents

Prayer:-Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 and 2 to take a decision by passing appropriate orders for re-alignment of Konganapuram Bye Pass Road forms part of Chennai-Kanyakumari Industrial Corridor Project [CKICP] by excluding the bore-well, water source of the petitioner's agricultural lands and Family Deity temple situated in Survey Nos.189/1, 189/2 and 189/3 Erumaipatti Revenue Village in Edappady Taluk, Salem District, as per the letter of the 4th respondent in Na.Kadidha.No.27/2019/A2 dated 13.12.2019 before proceeding with the Land Acquisition process for implementation of Chennai-Kanyakumari Industrial Corridor Project [CKICP].

For Petitioner : Mr.R.Neelakandan
For Respondents: Mr.Su.Srinivasan
Standing counsel for R1
Mr.S.R.Rajagopal,AAG
assisted by
Mr.E.Manoharan, Spl.GP for
RR 2 to 4

ORDER

(1) This Court passed the following order on 06.08.2020:-

'The learned counsel for the petitioner is directed to send the papers through E-Mail to the respective learned counsel representing the respondents along with a copy of the objections given by the petitioner for the notice issued under Section 15[2] of the Act'.

(2) Mr. S.R. Rajagopal, learned Additional Advocate General assisted by Mr. E. Manoharan, learned Special Government Pleader appearing on behalf of respondents 2 to 4, placing reliance upon the Position Note of the 4th respondent dated 24.07.2020, submitted that the request made by the petitioner has been taken into account by the respondents and the proposed acquisition does not cover the bore-well and the family temple and the same has been excluded. The learned Additional Advocate General further submitted that necessary changes have been made in the alignment and therefore, the grievance expressed by the petitioner has been redressed.

(3) The relevant portion in the Position Note submitted by the 4th respondent is extracted hereunder:-

'It is further submitted that the petitioner's requests have been fully complied with by the respondents and the proposed acquisition does not cover the Bore well and the Family Temple have been duly excluded, by making necessary changes in the alignments in the Drawings. It is submitted that the said Temple is five meters away from the proposed right of way [35 m] of Road Alignment.'

(4) In view of the specific stand taken by the 4th respondent and the subsequent development that has taken place in this case, wherein the request made by the petitioner has been accepted and alignment itself has been changed, no further orders are required to be passed by this Court.

(5) This writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Project Director
Chennai - Kanyakumari Industrial Project
TNMB Building, 1st Floor, R.A.Puram
Chennai 600 028.

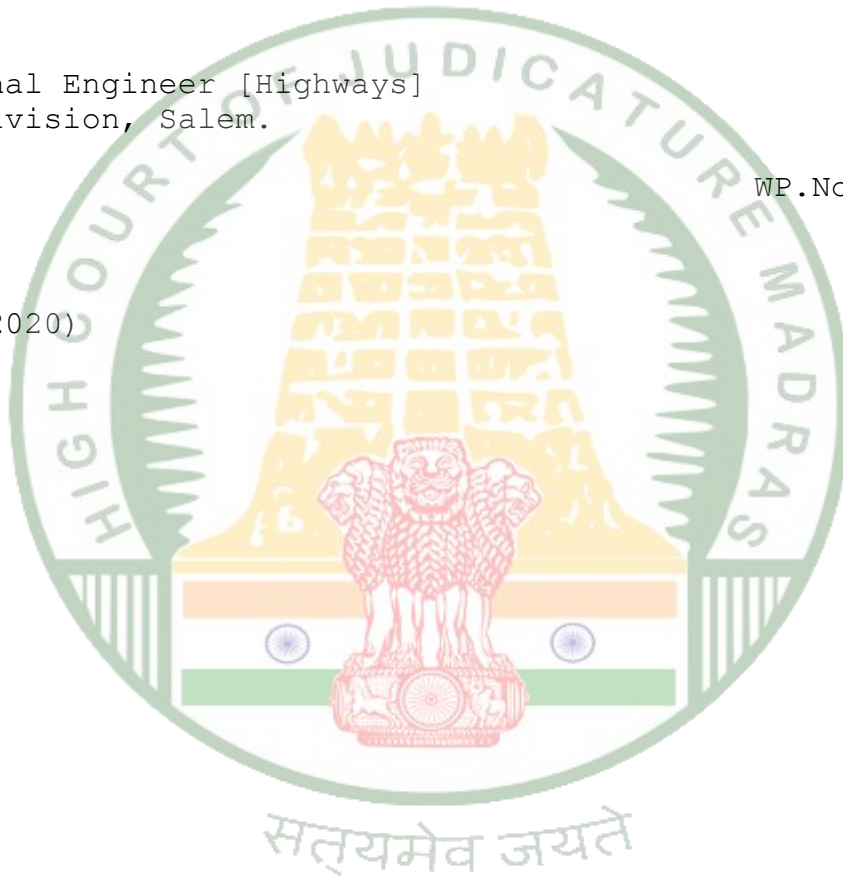
2.The Special District Revenue Officer [Land Acq]
Chennai-Kanyakumari Industrial Project,
Salem.

3.The District Collector,
Salem.

4.Divisional Engineer [Highways]
Salem Division, Salem.

WP.No.10219/2020

VS (CO)
SP(06/10/2020)



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