

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.08.2020

CORAM

THE HONOURABLE THIRU JUSTICE N.ANAND VENKATESH

W.P.No.11572 of 2020 and
W.M.P.No.14180 of 2020

K.Vijaya Baskar, M, 37 years,
S/o.Kunchithapatham,
Udayar Street, 54, pulavarnatham,
Sathanoor Post, Alangudi (via),
Valangaiman Taluk, Thiruvarur District. .. Petitioner

versus

1. The District Collector,
Thiruvarur.
2. The Special District Revenue Officer, (LA),
Chennai - Kanniyakumari,
Industrial Lane Road Project,
Kumbakonam.
3. The Special Tahsildar (LA),
Mannargudi.
4. The Village Administrative Officer,
Pulavarnatham,
Valangaiman Taluk,
Thiruvarur District.

.. Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the respondents not to acquire the land in S.No.160/2 of an extent of 2302 Sq.meters in Pulavarnatham Village, Valangaiman Taluk, Thiruvarur District.

For Petitioner : Mr.V.Bhiman
For Respondents: Mr.E.Manoharan

ORDER

This writ petition has been filed for the issuance of writ of mandamus directing the respondents not to acquire the subject property.

2. The case of the petitioner is that he is the owner of the subject property and a show cause notice was issued under Section 15(2) of the Tamil Nadu Highways Act, 2001, by the first respondent. The petitioner has also appeared for the enquiry and submitted his objections. The apprehension of the petitioner is that even without considering his objections and placing the same before the Government, effective steps are being taken to take over the property. Hence, the present writ petition has been filed before this Court, seeking for appropriate direction.

3. Heard the learned counsel for the petitioner and Mr.E.Manoharan, learned standing counsel appearing for the respondents.

4. Taking into consideration the facts and circumstances of the case, it is seen that the subject property is already the subject matter of acquisition under the Tamil Nadu Highways Act, 2001. Admittedly, the case of the petitioner is that the show cause notice has been issued to the petitioner and the petitioner already attended the enquiry and submitted his objections. The objections will have to be placed before the Government, for it, to consider and take the final decision with regard to publishing the notice under Section 15(1) of the Tamil Nadu Highways Act. That stage has not reached in the present case. The apprehension of the petitioner is that his objections are not considered and the property is sought to be acquired. According to the petitioner, the property of the petitioner is in between the water course and therefore, it is not possible for the respondent to acquire the land.

5. The respondent has chosen to acquire the land under the Tamil Nadu Highways Act, 2001 and therefore, till they complete the entire process, there is no question of taking over the land without issuing the final notification under Section 15(1) of the Tamil Nadu Highways Act, 2001. Therefore, the apprehension of the petitioner is unfounded.

6. In view of the above discussion, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruvarur.
2. The Special District Revenue Officer, (LA),
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Industrial Lane Road Project,
Kumbakonam.
3. The Special Tahsildar (LA),
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4. The Village Administrative Officer,
Pulavarnatham,
Valangaiman Taluk,
Thiruvarur District.

+1cc to the Government Pleader, Sr.No.28342

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2020 and W.M.P.No.14180 of 2020

vsn ii (co)
rr ii (15/09/2020)



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