

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.13862 of 2020

and

W.M.P.No.17219 of 2020

(Heard through VC)

P.Muruganantham

... Petitioner

vs

- 1.The Divisional Engineer,
Chennai City Roads Division,
Chennai - 600 015.
- 2.The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Plan,
Division - IV,
Chennai - 600 016.
- 3.The Divisional Engineer (H),
CMDP, Division-II,
Saidapet,
Chennai - 600 015.
- 4.The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance Office,
Tambaram Sub Division,
Chennai - 600 042.
- 5.The Assistant Engineer,
Highways Department,
Medavakkam,
Chennai - 600 100.
- 6.The Special Deputy Collector,
Land Acquisition,
Tamilnadu Urban Development Scheme (III),
New Street, Super Bazaar,
Commercial Complex,
Alandur, Chennai - 600 016.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 19.03.2020 and consequently forbearing the respondents from blocking the access to petitioner's petrol bunk situated at old Survey No.415/1 and new Survey Nos.415/49, 415/50 & 415/51

of Medavakkam Village, Tambaram Taluk, Chengalpet District, Chennai - 600 100.

For Petitioner : Mr.Sankar Ramasamy

For Respondent : Mr.V.Shanmugasundar
Special Government Pleader

O R D E R

The prayer sought for in this writ petition is for a direction to the respondents to consider the petitioner's representation dated 19.03.2020 and consequently forbearing the respondents from blocking the access to petitioner's petrol bunk situated at old Survey No.415/1 and new Survey Nos.415/49, 415/50 & 415/51 of Medavakkam Village, Tambaram Taluk, Chengalpet District, Chennai - 600 100.

2. The petitioner has purchased the petition mentioned properties by four different sale deeds. He entered into a registered Lease Deed with IBP Co. Ltd., for a period of 20 years for running an Indian Oil Petrol bunk and he has been running a petrol bunk for the past 15 years in the above said lands. All of a sudden, a notice dated 23.11.2016 was published in daily newspaper, namely, Dhinamani stating that his land is to be acquired for the purpose of widening the Velachery main road and construction of flyovers. Thereafter, the respondents erected two big pillars on the middle of the petitioner's petrol bunk and blocked the access to reach the petrol bunk. In this regard, the petitioner had sent a detailed representation dated 19.03.2020 to all the respondents and requested to provide access to his petrol bunk and the respondents had orally gave an assurance that the access will be provided to the petitioner's petrol bunk. While so, the respondents have started construction of the bridges and trying to complete the project within a short period of time. Hence, the petitioner has come up with this writ petition.

3. Upon notice, a counter has been filed by the third respondent-Divisional Engineer. In paragraph 11 of the counter affidavit it is specifically stated as follows:

"It was also stated by the petitioner that access to Petrol Bunk was provided for vehicles for filling fuel till date. Hence it is submitted that Highways authorities are following the due procedures of Acquisition Act and not causing any hindrance to the Petrol Bunk so far for their day to day activities."

4. The learned counsel appearing for the petitioner also admitted that there is an access, which has been given to the

Petrol Bunk for the vehicles to have smooth ingress and egress.

5. Recording the same, the writ petition is closed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

rsi

To

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Chennai - 600 015.
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Land Acquisition,
Tamilnadu Urban Development Scheme (III),
New Street, Super Bazaar,
Commercial Complex,
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+1cc to Mr.Sankar Ramasamy, Advocate, S.R.No. 40333

W.P.No.13862 of 2020

and

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AJS (CO)

GN(18/01/2021)

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