

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.NO.16289 OF 2020
AND WMP.NO.20377 OF 2020

R.Sindhuja

...Petitioner

Vs.

1. The Special Tahsildar,
(Land Acquisition)
Tambaram Taluk,
Kancheepuram District.

2. The Divisional Engineer,
Highways Department,
Saidapet, Chennai-15.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from interfering with the peaceful possession and enjoyment of the land and building belong to the petitioner covered by patta land in patta No.1613, comprised in S.No.37/B1/A1B, situated at Old No.124, New No.37, Rajakilpakkam Village, Velacherry Road, Tambaram Taluk, Kancheepuram District except by due process of law, followed by acquisition of land under National Highways Act,1956.

For Petitioner : Mr.G.Sankaran
For Respondents : Mr.Ananda Moorthy
Standing Counsel

सत्यमेव जयते
O R D E R

This Writ Petition has been filed for the issue of a Writ of Mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner in the subject property without resorting to due process of law.

2. When the matter came up for hearing on 24.11.2020, this Court directed the learned Additional Government Pleader to take instructions from the respondents as to whether any process has been commenced for the purpose of acquiring the property belonging to the petitioner, failing which, the respondents cannot straight away interfere with the possession and enjoyment

of the property of the petitioner. The learned Additional Government Pleader sought for time to take instructions.

3. Today, when the matter was taken up for hearing, the learned Additional Government Pleader circulated the written instructions received by him from the Assistant Divisional Engineer of Highways Department. It is seen from the written instructions that a project report was carried out by the Highways Department and for that purpose, a survey was conducted in order to assess, if any acquisition is required for the purposes of laying a road. It is specifically stated in the written instructions that if a decision is taken to acquire the lands, the same will be done in accordance with law, as per the Tamil Nadu Highways Act and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

4. The learned Additional Government Pleader appearing on behalf of the respondents while reiterating the stand taken in the written instructions also submitted that this writ petition has been filed merely based on apprehensions and it was made clear that the respondents will not interfere with the possession and enjoyment of the property of the petitioner without following due process of law.

5. The submissions made by the learned Additional Government Pleader is recorded and the written instructions is also taken on file.

6. In the result, this Writ Petition is disposed of accordingly. Consequently, connected miscellaneous petition is also closed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rli

To

1. The Special Tahsildar,
(Land Acquisition)
Tambaram Taluk,
Kancheepuram District.

2. The Divisional Engineer,
Highways Department,
Saidapet, Chennai-15.

+1cc to M/s.G.Sankaran, Advocate, S.R.No.39958

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KV(CO)
KKV/30/12/2020



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