



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :29.07.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD) No.8242 of 2020
and
W.M.P. (MD) No.7652 of 2020

R.Ravichandran

...Petitioner

Vs

1.The Divisional Engineer (Highways),
NABARD Village Road,
Madurai.

2.The Assistant Divisional Engineer (Highways),
NABARD Village Road,
Madurai.

3.The Assistant Engineer (Highways),
NABARD Village Road,
Madurai Division - 1,
Madurai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to quash the order passed in Na.Ga.No.Ni.Aa/2020-2021-Uoo.Poo by the 3rd respondent dated 10.07.2020 and to direct the respondents not to proceed in demolishing the building till the corona epidemic.

For Petitioner	: Mr.R.Ramasamy
For Respondents	: Mr.M.Pandiarajan Additional Government Pleader

ORDER

Challenging the order passed by the 3rd respondent in Na.Ga.No.Ni.Aa/2020-2021-Uoo.Poo dated 10.07.2020, this writ petition has been filed.

2.Mr.M.Pandiarajan, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, this Writ Petition is taken up for final hearing at the stage of admission itself.



3.The grievance of the petitioner is that in the year 2015, his land was acquired by the Revenue Department for the purpose of laying the service road and for the aforesaid acquisition, the petitioner has not received the entire compensation amount. At this juncture, by proceedings dated 10.07.2020, the 3rd respondent directed the petitioner and others to vacate their premises on or before 30.07.2020. Hence, challenging the order dated 10.07.2020, the petitioner is before this Court.

4.The learned counsel appearing for the petitioner would submit that due to the complete lockdown on account of the COVID-19 pandemic, the petitioner is unable to vacate the premises and that therefore, the learned counsel requested this Court that sufficient time may be given to the petitioner to vacate the aforesaid premises.

5.The learned Additional Government Pleader appearing for the respondents would submit that in the interest of public, the aforesaid land acquisition proceedings were concluded and for the same, compensation amount for a sum of Rs.5,89,43,755/- has already been given to the land owners including the petitioner. He would further submit that now the aforesaid properties are vested with the Government and that therefore, the petitioner has no case to interfere with the order dated 10.07.2020.

6.By considering the arguments advanced on either side, this Court is inclined to pass the following directions:-

i) due to the complete lockdown on account of the COVID-19 pandemic, this Court, on a sympathetic consideration, grants 4 months time from 01.08.2020 to 30.11.2020 to the petitioner to vacate the premises;

ii) the petitioner shall vacate the premises and hand over the same to the respondents on or before 30.11.2020, failing which, without issuing any prior notice to the petitioner, the respondents shall take necessary action to evict the petitioner from the aforesaid premises;

7.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Divisional Engineer (Highways),
NABARD Village Road,
Madurai.
- 2.The Assistant Divisional Engineer (Highways),
NABARD Village Road,
Madurai.
- 3.The Assistant Engineer (Highways),
NABARD Village Road,
Madurai Division - 1,
Madurai.

W.P. (MD) No.8242 of 2020
29.07.2020

SE (CO)

TR(12.08.2020) 3P 4C