



WEB COPY

W.P.(MD) No.14947 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

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THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD) No.14947 of 2020

and

W.M.P. (MD) No.12576 of 2020

C.Rajendran

... Petitioner

-Vs-

- 1.The State of Tamil Nadu,
Represented by the Principal Secretary to Government,
Highways and Minor Ports Department,
Chennai-600 009.
- 2.The Chief Engineer (Construction and Maintenance),
Highways Department, Chennai-600 025.
- 3.The District Collector,
Karur District, Karur.
- 4.The Divisional Engineer (Construction and Maintenance),
Highways Department, Sellandiapuram,
Karur-639 007.

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the respondents from laying road, doing any work or causing disturbance to the petitioner's patta land in Survey No.86/1 measuring to an extent of 0.11.0 Hectare within Patta No.4409, situated at Karur Revenue Village, Karur Taluk, Karur District by considering the petitioner's representation dated 01.09.2020 and proceedings of the third respondent in Na.Ka.C2/10340/2020 dated 09.09.2020.

For Petitioner : Mr.V.Sukumar
For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader.



ORDER

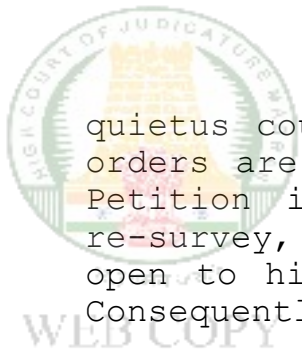
The petitioner has come forward with this Writ Petition to forbear the respondents from laying road, doing any work or causing disturbance to the petitioner's patta land in Survey No.86/1 measuring to an extent of 0.11.0 Hectare within Patta No.4409, situated at Karur Revenue Village, Karur Taluk, Karur District by considering the petitioner's representation dated 01.09.2020 and proceedings of the third respondent in Na.Ka.C2/10340/2020 dated 09.09.2020.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he is in possession and enjoyment of the land in Survey No.86/1, measuring to an extent of 0.11.0 Hectare situated at Karur Village, Karur Taluk, Karur District and patta was issued in his favour in Patta No.4409 by the Tahsildar, Karur. Following the Government Orders in G.O.Ms.No.88, Highways and Minor Ports (HF2) Department, dated 19.08.2019 and G.O.Ms.No.71, Highways and Minor Ports (HF2) Department, dated 18.05.2020, the respondents authorities are now widening the road connecting between Karur-Vangal Road (MD 772). Since the land in question has not come within the purview of widening the road connecting between Karur-Vangal Road (MD 772), the fourth respondent officials trespassed into the land in question and laying road. Neither the respondents officials initiated any acquisition process nor provided any compensation for laying road in the petitioner's land. Hence, the petitioner has made a representation dated 01.09.2020 to the respondents. The third respondent has forwarded the same to the fourth respondent vide proceedings in Na.Ka.C2/10340/2020 dated 09.09.2020. However, the same has not been considered by the fourth respondent. Hence, the petitioner has approached this Court, seeking aforesaid prayer.

4.When the matter is taken up for admission, it is represented by Mr.K.P.Krishnadoss, learned Special Government Pleader, who accepts notice for the respondents that pursuant to the order of the third respondent dated 09.09.2020, survey was conducted on 20.10.2020 and the petitioner has also participated in the said survey, however, disputed the same. He further submitted that the respondents have never encroached the land of the petitioner and that the land belongs to the Government, wherein there was a road existing, which was sought to be widened. The respondents have no objection for conducting re-survey based on the directions of this Court given in W.P.(MD)No.13465 of 2020, dated 13.10.2020.

5.This Court is of the considered opinion that since the survey has already been conducted on 20.10.2020, the petitioner will have to pay charges again for re-survey. On payment, re-survey shall be conducted based on the directions of this Court given in W.P.(MD)No.13465 of 2020, dated 13.10.2020, so that a



quietus could be given to the entire issue. Therefore, no further orders are required in this Writ Petition. Accordingly, this Writ Petition is dismissed. If any decision is taken based on the re-survey, the same can be communicated to the petitioner and it is open to him to question the same, if he is aggrieved. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Principal Secretary to Government,
State of Tamil Nadu,
Highways and Minor Ports Department,
Chennai-600 009.
- 2.The Chief Engineer (Construction and Maintenance),
Highways Department, Chennai-600 025.
- 3.The District Collector,
Karur District, Karur.
- 4.The Divisional Engineer (Construction and Maintenance),
Highways Department, Sellandiapuram,
Karur-639 007.

+1 CC to M/s.GP (SR-20991[F] dated 03/11/2020)

W.P. (MD) No.14947 of 2020

02.11.2020

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