



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2020

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.(MD) No.17650 of 2020

Selvaraj

... Petitioner

-VS-

1. State of Tamil Nadu
rep. by its Principal Secretary,
Highways Department,
Secretariat,
Chennai - 600 009.
2. The District Collector,
New Collector Office,
Azhagammal Nagar,
Thanjavur,
Tamil Nadu - 613 010.
3. The District Revenue Officer-cum-
Land Acquisition Officer,
Pudukkottai Road, Nirmalanagar,
Thanjavur, Tamil Nadu - 613 007.
4. The Divisional Engineer,
Highways Department,
State Highways Department,
Thanjavur.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 21.11.2020 by fixing a date of hearing as well as for submitting his objections/grievances and also to direct the Divisional Engineer to survey the petitioner's land.

For Petitioner : Mr.S.Senthil Kumar

For Respondents : Mrs.V.P.M.Vaishnavi
Government Advocate



O R D E R

This petition has been filed, seeking issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 21.11.2020 by fixing a date of hearing as well as for submitting his objections/grievances and also to direct the Divisional Engineer to survey the petitioner's land.

2.Heard the learned Counsel appearing for the petitioner and Mrs.V.P.M.Vaishnadevi, learned Government Advocate, who took notice for the respondents. By consent, the Writ Petition is disposed of at the state of admission itself.

3.The learned Counsel appearing for the petitioner would submit that in order to acquire lands for the purpose of laying bypass road to Thirukattupalli, a notice under Section 15(2) of the Tamil Nadu Highways Act, 2001 (Act 34/2002) was issued by the third respondent on 17.02.2020. As per the said notice, a grievance meeting was scheduled to be held on 25.02.2020 in the office of the second respondent. Though the petitioner and other land owners have appeared before second respondent, they have not been heard. As the petitioner has a tiled house in the land to be acquired by the third respondent, he made a representation to the third respondent on 21.11.2020 requesting him to shift the plan five meters on the eastern side of his land in order to save his dwelling house. Since the said representation has not been considered by the third respondent so far, the petitioner has come forward with the present Writ Petition.

4.Considering the facts and circumstance of the case, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to consider the representation of the petitioner dated 21.11.2020 and pass appropriate orders thereon in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of 90 days from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM



To:

1. The Principal Secretary,
Highways Department,
Secretariat, Chennai - 600 009.
2. The District Collector,
New Collector Officer,
Azhagammal Nagar,
Thanjavur, Tamil Nadu - 613 010.
3. The District Revenue Officer-cum-
Land Acquisition Officer,
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4. The Divisional Engineer,
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State Highways Department,
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TP (CO)
CS (18.12.2020) 3P 5C