



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2021

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

WRIT PETITION NO.5523 OF 2021
AND W.M.P.NO.6143 OF 2021

A.W.Abdul Azeez

... Petitioner

-Versus-

1. The District Collector of Coimbatore,
Collector Office @ Coimbatore,
State Bank Road,
Coimbatore 641 018.
2. The Coimbatore Revenue Divisional Officer,
Coimbatore Collector's Office,
Coimbatore.
3. The Divisional Engineer of Highways,
Highways Department Office,
Trichy Road, Coimbatore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus restraining the respondents 1, 2 and 3 from taking possession of the property in S.F.Nos.251/1, T.S.No.3/1304, measuring an extent of 1416 square feet, and directing the respondents to take steps to acquire the land under the provisions of The Land Acquisition Act, 1894 and Section 23, 24, 3A(1) and 3E(1) of The Tamil Nadu Highways Act, 2002 and by following due process of law with a due notice to the petitioner.

For Petitioner	: Mr.V.Karikalan
For Respondent(s)	: Mr.K.M.D.Muhilan, Government Advocate for RR1 to 3

ORDER

[This matter has been heard through video conference]

This writ petition has been filed seeking a mandamus restraining the respondents 1 to 3 from taking possession of the property in S.F.Nos.251/1, T.S.No.3/1304, measuring an



३.३ प्रयोग ५२६

6. Perusal of the counter affidavit filed by the 3rd respondent, it could be seen that already land acquisition proceedings have been initiated to acquire the land in question under the Tamil Nadu National Highways Act, 2001 for the construction of flyover and a declaration under Section 15(1) of the Act was published and Award has also been passed. The learned Government Advocate, on instructions, submitted that the respondents have been taking steps to survey the land in question. Further more, there appears to be rival claim as seen from the counter affidavit filed by the 3rd respondent. If at all the petitioner has got any grievance over the land acquisition proceedings, he can very well challenge the



acquisition proceedings in the manner known to law. This court does not find any merit in the writ petition.

7. For the reasons discussed above, this of the view that the prayer sought for in the writ petition cannot be granted at this stage and the writ petition deserves only to be dismissed.

In the result, this writ petition is dismissed with the above observations. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

kmk

To

1. The District Collector of Coimbatore,
Collector Office @ Coimbatore,
State Bank Road,
Coimbatore 641 018.
2. The Coimbatore Revenue Divisional Officer,
Coimbatore Collector's Office,
Coimbatore.
3. The Divisional Engineer of Highways,
Highways Department Office,
Trichy Road, Coimbatore.

+1cc to the Government Pleader, S.R.No.34977

W.P.No.5523 of 2021

EV(CO)
HS(24/08/2021)