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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.5819 of 2021

M.Rajalakshmi

.. Petitioner

Vs.

1. The Divisional Engineer,
Chennai City Roads Division,
Chennai - 600 015.
2. The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Plan,
Division - IV,
Chennai - 600 016.
3. The Divisional Engineer (H),
CMDP, Division - II,
Saidapet, Chennai - 600 015.
4. The Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance Office,
Tambaram Sub Division,
Chennai - 600 042.
5. The Assistant Engineer,
Highways Department,
Medavakkam, Chennai - 600 100.
6. The Special Deputy Collector,
Land Acquisition,
Tamil Nadu Urban Development Scheme (III),
New Street, Super Bazaar,
Commercial Complex,
Alandur, Chennai - 600 016.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 6th respondent to forthwith take action in accordance with law on the representation of the petitioner dated 07.08.2018, with respect to the compensation payable to the acquisition of the



petitioner's property comprised in Survey No.415/61, measuring an extent of 141 Sq.Mtrs of land and building and to provide service road to the petitioner's land and building situated at Velachery Main Road, Medavakkam, Tambaram Taluk, Chengalpet District, Chennai - 600 100.

For Petitioner : Mr.Sankar Ramasamy

For Respondents 1 & 2 : Mr.K.M.D.Muhilan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to consider the petitioner's representation dated 07.08.2018, with respect to payment of compensation as well as for provision of service road to the petitioner's land in Survey No.415/61 situated at Velachery main road, Medavakkam, Tambaram Taluk, Chengalpet district.

2. The learned counsel appearing for the petitioner submitted that the petitioner's land was acquired for providing grade separator at Medavakkam under the Tamil Nadu Highways Act. Even though the acquisition proceedings were completed, no award amount has been paid to the petitioner after acquiring his land. That apart, now the construction of the grade separator has almost been completed, the respondents did not provide service road and also storm water drain, there and the petitioner do not have any access to his patta land from the main road. Hence the petitioner has filed the present writ petition.

3. The third respondent filed a counter affidavit stating that service road is a part and parcel of the grade separator project, which also includes storm water drain. Out of the 2380 metre of bridge length, service road has to be provided only on one side to an extent of 500 metre and the same has not been formed so far due to involvement of land acquisition. Service road to a width of 7.5 meter and storm water drain to a width of 2 meter will be provided after completion of land acquisition process and taking possession of land. The relevant paragraph No.14 and 15 of the counter affidavit is extracted hereunder:

"14. Regarding to the averment made by the petitioner in para 8, 9 of the affidavit, it is submitted that the service road on both sides of the Grade Separator is part and parcel of the Grade Separator project. For the formation of Service Road and Storm water drain only, major land acquisition is



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involved. Out of the 2380 metre of bridge length, service road to a length of 500 metre only on one side has not been formed so far due to involvement of Land Acquisition.

15. It is submitted that in these Land Acquisition area at present there is no blockage of access to the adjacent properties and access to the adjacent properties is available for the free movement of vehicles under the completed portion of Grade Separator. Service road to a width of 7.5m and storm water drain to a width of 2m will be provided after completion of land acquisition process and taking possession of land."

4. In view of the above submission and the undertaking given by the third respondent that service road and storm water drain will be provided and considering the difficulties faced by the petitioner in having access to his land, the respondents are directed to expedite the work and complete service road and storm water drain as expeditiously as possible. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Divisional Engineer,
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Chennai - 600 100.
2. The Divisional Engineer,
Highways Department,
Chennai Metropolitan Development Plan,
Division - IV, Chennai - 600 016.
3. The Divisional Engineer (H),
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4. The Assistant Divisional Engineer,
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6. The Special Deputy Collector,
Land Acquisition,
Tamil Nadu Urban Development Scheme (III),
New Street, Super Bazaar,
Commercial Complex,
Alandur, Chennai - 600 016.

+1cc to Mr.Sankar Ramasamy, Advocate, S.R.No.32464

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GSM(CO)
HS(03/08/2021)