

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10856 of 2021
and W.M.P.No.11493 & 11494 of 2021

B.Srihari,
S/o. P.Balakrishnan

... Petitioner

-Vs-

- 1 The State,
Rep. by its Secretary to Government
Highways Department
Fort St. George,
Chennai-600 009.
 - 2 The District Collector,
Coimbatore.
 3. The Land Acquisition Officer and
District Revenue Officer,
Coimbatore.
- ... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the public notice dated 10.02.2021 in Na.Ka.No.24885/2008/U6 of the 3rd respondent herein under Section 15(2) of the Tamil Nadu Highways Act, 2001 and quash the same.

For Petitioner : Mr.A.R.L. Sundaresan for
Mrs.AL. Ganthimathi

For Respondents : Mr.V.Anandhamurthy
Additional Govt.Pleader

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O R D E R

(The case has been heard through video conference)

This Writ Petition has been filed challenging the public notice issued under Section 15(2) of the Tamil Nadu Highways Act, 2001.

2. The grievance of the petitioner is that, his land was sought to be acquired to construct overbridge between Singanallur and Peelamedu Railway Station. Now, a notice under Section 15(2) of the Act was issued directing the petitioner to appear for enquiry. Challenging the said notice, the present Writ Petition has been filed.

3. Considering the fact that it is only a notice issued under Section 15(2) of Tamil Nadu Highways Act, if the petitioner have any objection for acquiring the land, it is always open to appear before the Acquisition Officer and raise his objection. On filing his objection, the acquisition officer, 3rd respondent herein will consider his objection either accepting or rejecting the same. In the said circumstances, challenging the notice issued under Section 15(2) of the National Highways Act, the petitioner cannot maintain a Writ Petition at this stage. Accordingly, this Writ Petition stands dismissed. However, the petitioner is directed to appear before the 3rd respondent and submit his objections and on filing his objections, the 3rd respondent is directed to consider the same and pass orders on merits in accordance with law within a period of twelve weeks from the date of receipt of copy of this order. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp
To

1. The Secretary to Government,
Highways Department
Fort St. George, Chennai-600 009.

2 The District Collector, Coimbatore.

3. The Land Acquisition Officer and
District Revenue Officer,
Coimbatore.

+1cc to Mr.Mrs.AL. Ganthimathi, Advocate SR.No. 26436
+1 cc to Government Pleader Sr.No. 26798

W.P.No.10856 of 2021

KJ(CO)
A.SK(07.07.2021)