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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.15703 of 2021

and

W.M.P. No.16599, 16600 & 16601 of 2021

1. Mr.R.Pandian
W/o. Ruthrakotti

2. Mrs.Shanthi
W/o. R.Pandiyan

... Petitioners

Vs.

1. The Government of Tamil Nadu,
rep. by its Secretary to Government,
Department of Highways and Minor
Port, Fort St. George,
Chennai-600 009.

2. The Project Director,
Chennai Kanyakumari Industrial
Corridor Project,
State Highway Department,
Sirdar Patel Road, Guindy,
Chennai-600 032.

3. The Superintending Engineer,
(Highways),
Chennai Kanyakumari Industrial
Corridor Project,
State Highway Department,
Sirdar Patel Road, Guindy,
Chennai-600 032.

4. The District Collector,
Kanchipuram Dt.

5. The District Collector,
Chengalpattu District.



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6. The Special District Revenue Officer,
(Land Acquisition),
Chennai Kanyakumari Industrial
Corridor Project,
No.16, Visalakshmi Nagar,
Savilimedu, Kanchipuram-631 502.

7. Special Tahsildar,
(Land Acquisition),
Chennai Kanyakumari Industrial
Corridor Project,
Kanchipuram Unit,
Kanchipuram-631 502.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records relating to notification Na.Ka.No.124/2020/A2 (Maa.Naa.58), Date 22.06.2020 and 14.07.2020 under Tamil Nadu Highways Act Section 15(2) of 2001 of reason asking summon issued by the 6th and 7th respondents for acquisition of land in Chengalpattu District (Old Kanchipuram District), Chengalpattu Taluk, Old Village Number 68, New Village Number 45, Survey No.1105/2 and 1105/2A for the purpose of extension of state highway, Walaja-Kanchipuram High Road, under the Chennai-Kanyakumari Industrial Corridor Project and quash the same in so far as the petitioner's livelihood agriculture land and building in Chengalpattu District, (Old Kanchipuram District), Chengalpattu Taluk, Old Village No.68, New Village No.45, (i) Survey No.1105/2 and the same is now sub-divided as Survey No.1105/2A measuring an extent of hectare 1-4.50 ares or acre 2-58.00 cents of agriculture land as per Patta No.971 in the name of 1st petitioner and (ii) another Survey Number as 1105/2A2, measuring an extent of hectare 0-10.00 ares or acre -0.25 cents of agriculture land as per Patta No.9634 in the name of 2nd petitioner herein.

For Petitioners : Mr.K.Yuvaraj

For Respondents : Mr.Yogesh Kannadasan,
Government Advocate for R1 to R7

O R D E R

(The case has been heard through video conference)

The Writ Petition has been filed challenging the notice issued under Sec.15(2) of Tamil Nadu Highways Act, 2001 (hereinafter called as 'Act') directing the petitioners to raise objections before the 6th respondent in the land acquisition proceedings.



2. This Writ Petition has been filed on the ground that, the 2nd petitioner herein is also owner of the property and patta stands in her name also. But, no show cause notice has been issued to her under Sec.15 (2) of the Act. Considering the fact that, it is only a show cause notice issued under Sec.15(2) of the Act. If at all, the petitioners have any grievance, they can always raise their objections before the authority. Without doing so, they cannot challenge the show cause notice issued under Sec.15(2) of the Act. Hence, the Writ Petition is not maintainable and the same is liable to be dismissed. So far as the 2nd petitioner is concerned, it is stated that, she is also owner of the property and patta also stands in her name. Therefore, the 6th and 7th respondents are directed to issue show cause notice to the 2nd petitioner also under Sec.15(2) of the Act. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, the connected Writ Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

rpp

To

1. Secretary to Government,
Government of Tamil Nadu,
Department of Highways and Minor
Port, Fort St. George, Chennai-600 009.
2. The Project Director,
Chennai Kanyakumari Industrial
Corridor Project, State Highway Department,
Sirdar Patel Road, Guindy,
Chennai-600 032.
3. The Superintending Engineer,
(Highways),
Chennai Kanyakumari Industrial
Corridor Project,
State Highway Department,
Sirdar Patel Road, Guindy,
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4. The District Collector,
Kanchipuram Dt.



5. The District Collector,
Chengalpattu District.

6. The Special District Revenue Officer,
(Land Acquisition),
Chennai Kanyakumari Industrial
Corridor Project, No.16, Visalakshmi Nagar,
Savilimedu, Kanchipuram-631 502.

7. Special Tahsildar,
(Land Acquisition),
Chennai Kanyakumari Industrial
Corridor Project,
Kanchipuram Unit,
Kanchipuram-631 502.

+1cc to the Government Pleader, S.R.No.37683

W.P.No.15703 of 2021

SSD(CO)
CB(18/08/2021)