

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.05.2014

CORAM

THE HONOURABLE MR. JUSTICE R.SUDHAKAR

W.P. NOS.13176 TO 13180 OF 2014

And

M.P. NOS.1 & 2 OF 2014 (5 Nos.)

Mr.N.Sagadevan	..	Petitioner in WP 13176/2014
Ms.Chandira	..	Petitioner in WP 13177/2014
Ms.Vijaya	..	Petitioner in WP 13178/2014
Ms.Gowri	..	Petitioner in WP 13179/2014
Mrs.Meena	..	Petitioner in WP 13180/2014

- Vs -

1.The Secretary to Government,
Revenue Department,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.

2.The District Collector,
Thiruvallur District, Thiruvallur.

3.The District Revenue Officer,
Land Acquisition,
Chennai Outer Ring Road Project,
C.M.D.A., Koyambedu,
Chennai-600 092.

4.The Special Tasildhar,
Land Acquisition, Outer Ring Project,
C.M.D.A., Koyambedu,
Chennai-92.

5.The Special Tasilldhar (LA),
Chennai Outer Ring Road, Phase-I,
Poonamallee at Nazarathpettai

[Beside Government High School] .. Respondents in all the petitions

W.P. No. 13176 of 2014 is filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari, calling for the records on the file of the first, second,

third and fifth respondents relating to the notices ordered by the third respondent subsequently issued by the fourth respondent under Section 15(2) of the Tamil Nadu Highways Act 2001 (as the amended Act 34 of 2012) dated 31.5.2013 in N.K.No.10/2013/Ve.V.Salai/Thiruvallur pertaining to Survey Nos.26/1B measuring an extent of 1350 sq. mtrs., S.No.26/5 measuring an extent of 2050 sq. mtrs., and S.No.26/4 measuring an extent of 100 sq. mtrs., in Patta No.261 at 16, Karunakacheri Village, Poonamallee Taluk, Thiruvallur District and Tamil Nadu Government Gazette publication dated 29.1.2014 Part II-Section 2 issued by the first respondent under Section 15(1) of the State Highways Act 2001 (as amended under Act 34 of 2012) and the notices issued by the fifth respondent in R.C.No.10/2013/CORR/Thiruvallur under Section 16(2) of the Tamil Nadu Highways Act 2001 dated 21.2.2014 in Survey Nos.26/1B, 26/5 and 26/4 in Patta No.261 at 16, Karunakaracheri Village, Poonamallee Taluk, Thiruvallur District and to quash the same.

W.P. No. 13177 of 2014 is filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari, calling for the records on the file of the first, second, third and fifth respondents relating to the notices ordered by the third respondent subsequently issued by the fourth respondent under Section 15(2) of the Tamil Nadu Highways Act 2001 (as the amended Act 34 of 2012) dated 31.5.2013 in N.K.No.10/2013/Ve.V.Salai/Thiruvallur in Survey Nos.26/5 measuring an extent of 2050 sq. mtrs., in Patta No.261 at 10, Karunakacheri Village, Poonamallee Taluk, Thiruvallur District and Tamil Nadu Government Gazette No.4 notification dated 29.1.2014 Part II-Section 2 published by the first respondent under Section 15(1) of the State Highways Act 2001 (Tamil Nadu Act 34 of 2012) and the notices issued by the fifth respondent in R.C.No.10/2013/CORR/Thiruvallur under Section 16(2) of the Tamil Nadu Highways Act 2001 dated 21.2.2014 in Survey Nos.26/5 and 26/4 in Patta No.261 at 16, Karunakaracheri Village, Poonamallee Taluk, Thiruvallur District and to quash the same.

W.P. No.13178 of 2014 is filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari, calling for the records on the file of the first, second, third and fifth respondents relating to the notices ordered by the third respondent subsequently issued by the fourth respondent under Section 15(2) of the Tamil Nadu Highways Act 2001 (as the amended Act 34 of 2012) dated 31.5.2013 in N.K.No.10/2013/Ve.V.Salai/Thiruvallur in Survey Nos.26/5 in Patta No.261 measuring an extent of 2050 sq. mtrs., in Patta No.261 at 16, Karunakacheri Village, Poonamallee Taluk, Thiruvallur District and Tamil Nadu Government Gazette publication dated 29.1.2014 Part II-Section 2 published by the first respondent under Section 15(1) of the State Highways Act 2001 (as amended under Act 34 of 2012) and the notices issued by the fifth respondent in R.C.No.10/2013/CORR/Thiruvallur under Section 16(2) of

the Tamil Nadu Highways Act 2001 dated 21.2.2014 in Survey Nos.26/5 and 26/4 in Patta No.261 at 16, Karunakaracheri Village, Poonamallee Taluk, Thiruvallur District and to quash the same.

W.P. No.13179 of 2014 is filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari, calling for the records on the file of the first, second, third and fifth respondents relating to the notices ordered by the third respondent subsequently issued by the fourth respondent under Section 15(2) of the Tamil Nadu Highways Act 2001 (Tamil Nadu Act 34 of 2012) dated 31.5.2013 in N.K.No.10/2013/Ve.V.Salai/Thiruvallur pertaining to Survey Nos.26/5 and 26/4 at 10, Karunakacheri Village, Poonamallee Taluk, Thiruvallur District and Tamil Nadu Government Gazette publication dated 29.1.2014 Part II-Section 2 issued by the first respondent under Section 15(1) of the State Highways Act 2001 (Tamil Nadu Act 34 of 2012) and the notices issued by the fifth respondent in R.C.No.10/2013/CORR/Thiruvallur under Section 16(2) of the Tamil Nadu Highways Act 2001 dated 21.2.2014 in Survey Nos.26/4 and 26/5 at 10, Karunakaracheri Village, Poonamallee Taluk, Thiruvallur District and to quash the same.

W.P. No.13180 of 2014 is filed under Article 226 of the Constitution of India praying this Court to issue a writ of certiorari, calling for the records on the file of the first, second, third and fifth respondents relating to the notices ordered by the third respondent under Section 15(2) of the Tamil Nadu Highways Act 2001 (as the amended Act 34 of 2012) dated 31.5.2013 in N.K.No.10/2013/Ve.V.Salai/Thiruvallur pertaining to Survey Nos.26/5 in Patta No.261 measuring an extent of 2050 sq. mtrs., in Patta No.261 at No.16, Karunakacheri Village, Poonamallee Taluk, Thiruvallur District and Tamil Nadu Government Gazette publication dated 29.1.2014 Part II-Section 2 issued by the first respondent under Section 15(1) of the State Highways Act 2001 (as amended under Act 34 of 2012) and the notices issued by the fifth respondent in R.C.No.10/2013/CORR/Thiruvallur under Section 16(2) of the Tamil Nadu Highways Act 2001 dated 21.2.2014 in Survey No.26/5 measuring an extent of 2050 sq. mtrs., and Survey No. and 26/4 measuring an extent of 100 sq. mtrs., in Patta No.261 at 16, Karunakaracheri Village, Poonamallee Taluk, Thiruvallur District and to quash the same.

For Petitioners : Mr.David Tyagaraj

For Respondents : Mr.A.Kumar, Spl. G.P.

COMMON ORDER

Mr. A.Kumar, learned Special Government Pleader is directed to take notice for the respondents.

2. It is the admitted case of the petitioners that all of them received notice under Section 15 (2) of the Tamil Nadu Highways Act on 31.5.13. It is further admitted that the reply has been sent to the concerned authorities. However, copy of the said reply does not form part of the typed set of papers and is not produced before this Court. It is also stated that order under Section 15 (1) of the Tamil Nadu Highways Act has also been issued. In the above scenario, I do not find any justification to entertain these writ petitions without there being proper material before this Court to show that the petitioners have participated in the proceedings and put in their objections to the notice issued under Section 15 (2) of the Act.

2. In view of the reasons aforesaid, finding no merit, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are also dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

GLN

To

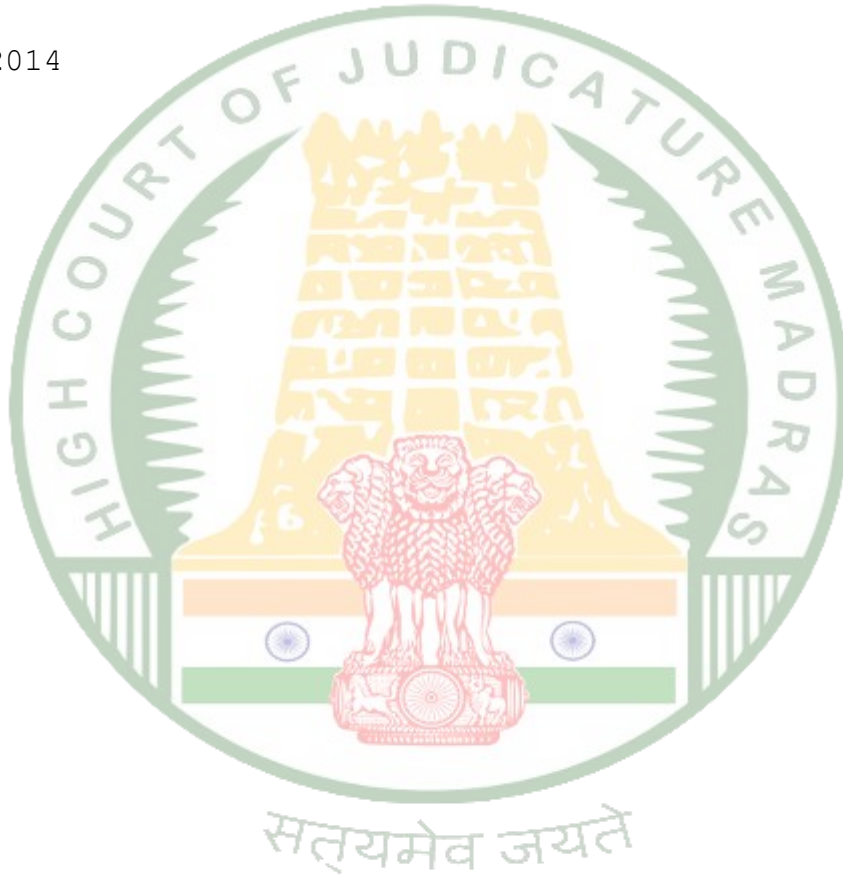
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Poonamallee at Nazarathpettai
[Beside Government High School]

5 cc to Mr.David Tyagaraj,Advocate, SR.No.21244
1 cc to Government Pleader,Sr.No21441

W.P. NOS.13176 TO 13180 OF 2014

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