

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.19856 of 2020
and
W.M.P.No.24526 of 2020

C.Ganesan

...Petitioner

-Vs-

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

2.The District Revenue Officer
cum-Land Acquisition Officer,
Coimbatore Collectorate Building,
Coimbatore-641 018.

3.The District Collector,
Coimbatore Collectorate Building,
Coimbatore-641 018.

4.The Special Tahsildar (Land Acquisition),
SITRA - Kurumbapalayam Road Widening Project,
Tamil Nadu Highways Department,
Trichy Salai,
Coimbatore-641 045.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to consider the objections and suggestions made by the petitioner in his representations dated 06.10.2020 and 20.10.2020 and pass appropriate orders in accordance with law after affording the petitioner a reasonable opportunity of being heard, within a time limit to be fixed by this Court.

For Petitioner : Mr.N.Ramakrishnan
For Respondents: Mr.V.Anandhamurthy
Government Advocate

ORDER

The petitioner's property comprised in S.No.945/4B of the revenue Village of Kalapatti East, Coimbatore North is proposed to be acquired for purposes associated with State

Highways Department. For this purpose a preliminary notification under Section 15(2) of the Tamil Nadu Highways Act, 2001 has been issued on 23.09.2020, for which, the petitioner has given his objection first on 06.10.2020 and followed by an additional objection on 20.10.2020. He now seeks a direction to the respondents to consider his objections.

2. Heard Mr.N.Ramakrishnan, learned counsel for the petitioner and Mr.V.Anandhamurthy, learned Government Advocate appearing for the respondents.

3. The learned Government Advocate made a statement on instructions that the 2nd respondent / Land Acquisition Authority has received remarks of the requisition authority namely, the Highways Department only on 14.12.2020 and the 2nd respondent is now required to hold an enquiry under Rule-5 of the Tamil Nadu Highways Rules. The learned Government Advocate submits that the same will be done shortly.

4. In view of the said statement, this Court now directs the 2nd respondent to hold an enquiry strictly in accordance with the spirit of Rule-5 which implies that he may have to issue notice to the petitioner to give him a personal hearing on the matter which may not partake the character of a trial in an adversarial system, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn

To

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

2.The District Revenue Officer
cum-Land Acquisition Officer,
Coimbatore Collectorate Building,
Coimbatore-641 018.

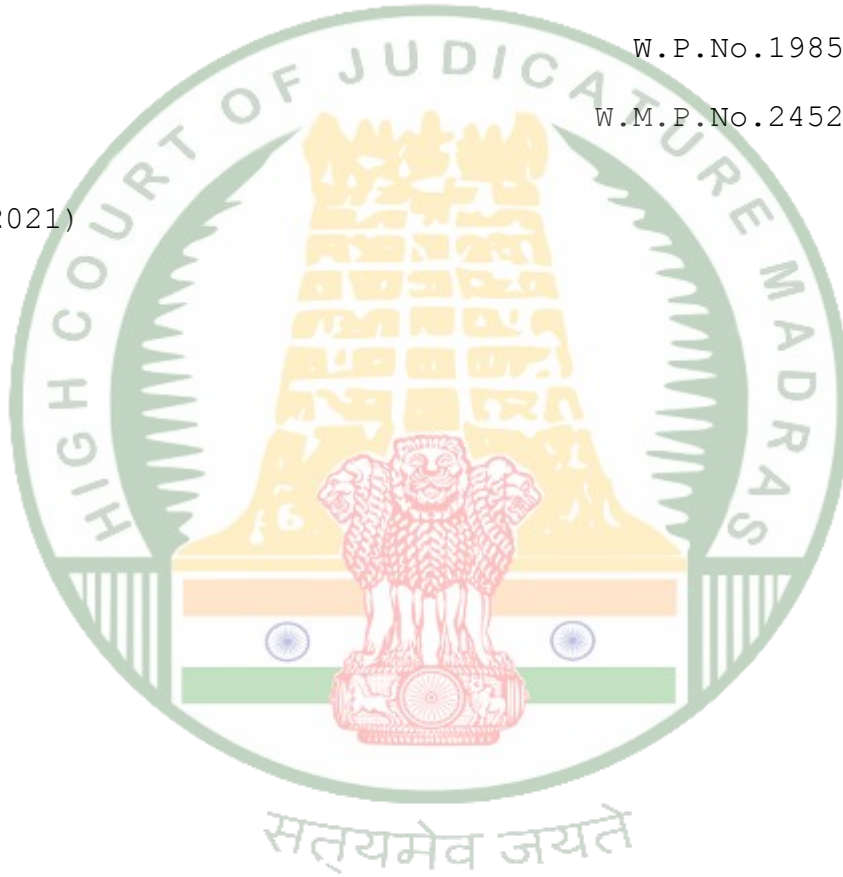
3.The District Collector,
Coimbatore Collectorate Building,
Coimbatore-641 018.

4.The Special Tahsildar (Land Acquisition),
SITRA - Kurumbapalayam Road Widening Project,
Tamil Nadu Highways Department,
Trichy Salai,
Coimbatore-641 045.

+2cc to Mr.Waraon & Sairams, Advocate, S.R.No. 3751
+1cc to the Government Pleader, S.R.No. 3715

W.P.No.19856 of 2020
and
W.M.P.No.24526 of 2020

NRJK (CO)
GN (02/02/2021)



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