

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.01.2021
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.25314 of 2017
and
W.M.P.No.26775 of 2017

K.E.Housing Private Limited,
Rep.by its Director Mr.K.Pari,
No.18 B, Luz Avenu,
Mylapore, Chennai - 600 004.

... Petitioner

Vs.

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

2.The Highways Department,
Rep.by tis The Director General,
Government of Tamil Nadu,
Integrated Chief Engineers' Office,
HRS Campus, 76 Sardar Patel Road,
Guindy, Chennai - 600 025.

3.The Chief Engineer,
Highways Department,
Government of Tamil Nadu,
HRS Campus, 76 Sardar Patel Road,
Guindy, Chennai - 600 025.

4.The Assistant Divisional Engineer,
C & M Tambaram Sub-Division,
Highways Department,
Government of Tamil Nadu,
Chennai - 600 042.

5.The Divisional Engineer (H),
C & M, Chennai City Roads Division,
Chennai - 600 015.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents, their men, agents, employees or any other person claiming through them from in any way entering or demolishing or in any other way interfering with the petitioner's possession of the property comprised in Survey No.315 Part measuring an extent of 2800 sq.ft. in Pallikkaranai Village, Tambaram Taluk, Kancheepuram District, except in accordance with law.

For Petitioner : Mr.Richardson Wilson
For Respondents : Mr.A.Madhumathi
Special Government Pleader

O R D E R

This writ petition is filed for issue of a writ of mandamus forbearing the respondents, their men, agents, employees or any other person claiming through them from in any way entering or demolishing or in any other way interfering with the petitioner's possession of the property comprised in Survey No.315 Part measuring an extent of 2800 sq.ft. in Pallikkaranai Village, Tambaram Taluk, Kancheepuram District, except by due process of law.

2. The petitioner is the owner to an extent of about 2800 sq.ft. of land in S.No.315 in Pallikaranai Village, Tambaram Taluk, Kancheepuram District. It is stated that the petitioner has put up construction after getting planning approval from the local body. Since the 4th respondent earmarked the property to be demolished for the purpose of expansion of the road, the petitioner has approached this Court.

3. It is now admitted before this Court in the counter affidavit on the following lines:-

"Also it is submitted that the property mentioned in the affidavit i.e., Survey No.315 of the above village is partly covered under Land Acquisition for which necessary acquisition proposal has been submitted to the District Collector, Kancheepuram, it is under Scrutiny and proceeding will be initiated by issuing notice to the Land Owners/interested persons with reference to the Tamil Nadu Highways Act, 2001."

4. Even today, the learned Special Government Pleader submitted that acquisition proceedings have not been initiated so far and that the petitioner's possession and enjoyment will not be disturbed otherwise than by due process of law or

pursuant to any acquisition proceeding for acquiring the land belonging to the petitioner. In such circumstances, this Court is inclined to allow the writ petition as prayed for.

4. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bri

To

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

2.The Director General,
The Highways Department,
Government of Tamil Nadu,
Integrated Chief Engineers' Office,
HRS Campus, 76 Sardar Patel Road,
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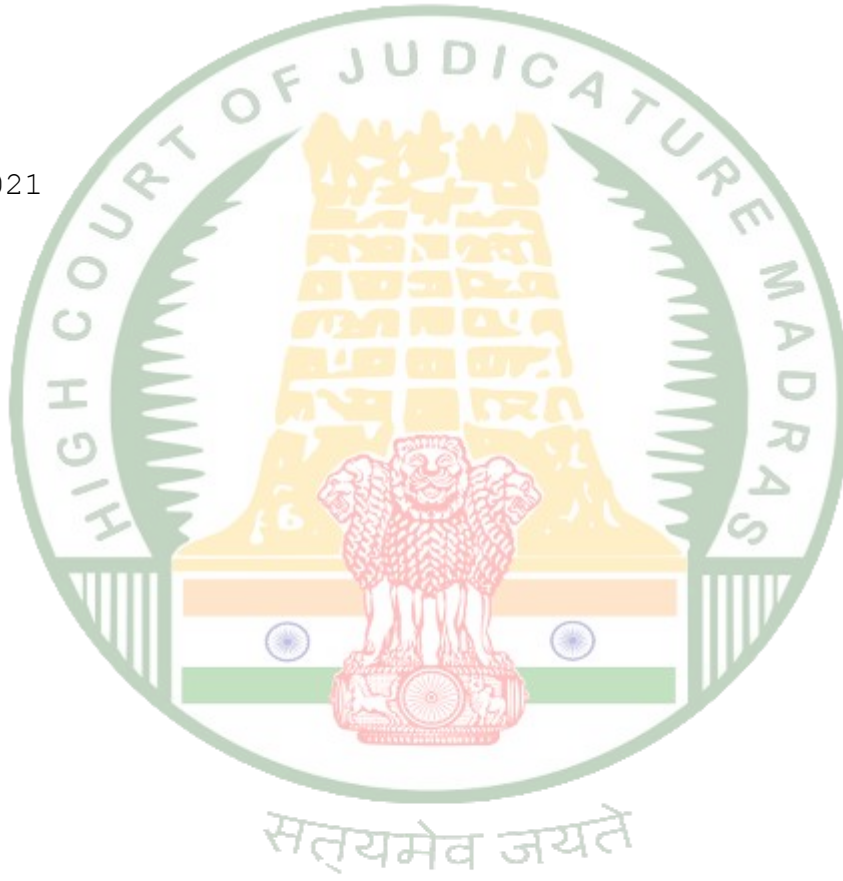
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+1 cc to the Government pleader sr4335

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