



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

WP.No.26512 of 2017 and
WMP.No.28231 of 2017

P.Mohan

... Petitioner

Vs

1.The Secretary,
Government of Tamilnadu,
Highways @ Minor Ports Department,
Secretariat, Chennai 600 009.

2.The District Collector,
Salem District.

3.The District Revenue Officer/Land Acquisition Officer,
Salem District.

4.The Inspector of Police,
Edappadi Police Station,
Edappadi, Salem District

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to form Edappadi Bypass Road in petitioner's survey No.60/4B at Kurumbapatti Village, Edappadi Taluk, Salem District as per the approved scheme plan, which was submitted before this Court in WP.No.28920 of 2016 by the second respondent and also by considering the petitioner representation dated 30.09.2017.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondents : Mr.A.Selvendran,
Special Government Pleader

ORDER

The petitioner has filed this writ petition for direction directing the respondents to form Edappadi Bypass Road in



petitioner's land in survey No.60/4B at Kurumbapatti Village, Edappadi Taluk, Salem District as per the approved scheme plan.

2. In fact, the petitioner already filed writ petition in WP.No.28920 of 2016 challenging the notification dated 31.12.2013 in GO(D).No.269 Highways and Minor Ports(HP1) Department in respect of the petitioner's land comprised in survey No.60/4B admeasuring 0.3900.0 square meters situated at Kurumbapatti Village, Edappadi, Salem District. The said writ petition was dismissed on 29.08.2017.

3. On perusal of the counter, revealed that to ease traffic congestion and to avert fatal accidents, the Government has accorded sanction for formation of bypass road to Edappadi Town. Accordingly, a part of petitioner's land was acquired. After due demarcation as per the land plan and schedule, an extent of subject property was sub divided and subdivided as 60/4B2 for formation of bye pass road. Accordingly, in survey No.60/4B1 to an extent of 0.09.0 hectares and survey No.60/4B3 to an extent of 0.80.0 hectares land left out and land comprised in survey No.60/4B2 to an extent of 0.39.0 hectares acquired for formation of bye pass road. All procedures were followed as per rules. While forming a road, lands would be severed due to alignment designed as per IRC standards for smooth flow of traffic and satisfying all technical feasibility. The triangle portion admeasuring 900 sq.mtrs on the western side of the proposed road is left unacquired, in which house of the petitioner is in existence. The eastern portion admeasuring 8000 sq.mtrs remains unacquired, in which the petitioner's well and house are situated. They will not be affected by the formation of road. That apart, there is no indication that the proposed road is shown at the western edge of the petitioner's property as alleged by the petitioner. Therefore, the subject property was subdivided as per alignment plan and schedule and subdivision records were prepared as early as on 13.09.2012 and got scrutinised on 17.09.2012. The sub divisions were sanctioned on 20.10.2015 even before passing award.

4. Therefore, the subdivisions as per the Tamilnadu Survey and Boundaries Act become final and accordingly, the road has been laid. Further, as per the sub division records, the proposed road is not indicated on the western edge of the land in survey No.60/4B and the scheme plan also confirmed the same.



5. In view of the above, the writ petition is devoid of merits. Accordingly, the writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

lok
To

1. The Secretary,
Government of Tamilnadu,
Highways @ Minor Ports Department,
Secretariat, Chennai 600 009.

2. The District Collector,
Salem District.

3. The District Revenue Officer/Land Acquisition Officer,
Salem District.

4. The Inspector of Police,
Edappadi Police Station,
Edappadi, Salem District.

+1cc to M/s.R.Marudhachalamurthy, Advocate Sr.60542

WP.No.26512 of 2017

ksm[co]
srg 03/12/2021