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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.08.2021

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THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.35427 of 2019  
and W.M.P.No.36259 of 2019

K.Velmurugan

... Petitioner

Vs.

1. The District Revenue Officer,  
(Land Acquisition Officer),  
Collectorate,  
Coimbatore,  
Coimbatore District.
2. The Tahsildar,  
Pollachi,  
Pollachi Taluk,  
Coimbatore District.
3. The Divisional Engineer,  
Highways (Government of Tamil Nadu),  
Pollachi,  
Coimbatore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a writ of Mandamus forbearing the respondents, their men, agents, servants from interfering with the possession and enjoyment of the petitioner in his property comprised in T.S.No.325 in Ward E, Block No.5, Pollachi Town, excepting the extent of 9.5 square metres which was notified under section 15(1) of Highways Act in G.O.(D)No.305 of Highways and Minor Ports (H.S.2) Department in any manner.

For Petitioner : Mr.D.Selvaraju

For Respondents : Mr.K.M.D.Muhilan  
Government Advocate



## ORDER

The petitioner has filed a Mandamus forbearing the respondents, their men, agents, servants from interfering with the possession and enjoyment of the petitioner in his property comprised in T.S.No.325 in Ward E, Block No.5, Pollachi Town, excepting the extent of 9.5 square metres which was notified under section 15(1) of Highways Act in G.O.(D)No.305 of Highways and Minor Ports (H.S.2) Department in any manner.

2.The case of the petitioner is that his family owned large extent of land in which the Highways Department notified an extent of 9.5 square metres of the petitioner's property in T.S.No.325 about 0.82 metre width in East-West direction for a length of 11.57 metres in North-South abutting Palaghat Road for widening the road and further an extent of 0.5 square metres of the property in each of T.S.No.328/1 and 329 belonging to the petitioner was also required.

3.The petitioner submits that after notification under Section 15(1) of Tamil Nadu Highways Act, 2001 and notified in the Government Gazette dated 16.01.2019. According to the petitioner, an extent of 9.5 square metre of his property in T.S.No.325 was acquired. The Land Acquisition Officer had convened a meeting under Section 19(2) of Tamil Nadu Highways Act, 2001, calling for the owners for fixing the fair compensation and negotiation vide his notice viz., Na.Ka.No.6702/2016/T5 dated 10.01.2019 for the negotiation meeting scheduled on 24.01.2019, the petitioner also served with the notice and he attended the negotiation meeting. In the aforesaid negotiation meeting, the petitioner had agreed and given consent to give his property of the above said extent for the purpose of this project and received the compensation.

4.The petitioner further submits that the first respondent have conducted survey and earmarked boundaries an extent of about 14.2 square metre of his property in T.S.No.325 which is contrary to their notice as well as the consent letter which was given by the petitioner regarding acquisition.

5.According to the petitioner, he is ready and willing to execute the transfer deed in respect of the extent of 9.5 square metre in T.S.No.325 and 0.5 square metre each in T.S.Nos.328/1 and 329 as notified under Section 15(1) of the said Act. Now the authorities cannot force the petitioner to remove the



structures for 14.2 square metre in his property in T.S.No.325. Hence, the petitioner had apprehension that the respondents are attempting to take over his property for more extent than which has been acquired and the respondents are taking coercive steps of forcible demolition, it will cost about Rs.70 to Rs.80 lakhs. The petitioner has no other alternative remedy except to approach this Court under Article 226 of the Constitution of India. Hence, the writ petition filed.

6.The learned Government Advocate for the respondents on instructions submit that the respondents have not forced to demolish the said property and they will not interfere with the said possession and this writ petition has filed in the year 2019 and till date no such attempts have been made by the respondents and the said structures are still lying in the petitioner's property.

7.In view of the above, this Court is of the view that no attempt has been made by the respondents to demolish the said property, the writ petition can be closed and the respondents shall not interfere with the possession of the property other than the one which has been acquired.

8.With the above observation, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Revenue Officer,  
(Land Acquisition Officer),  
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3. The Divisional Engineer,  
Highways (Government of Tamil Nadu),  
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+1cc to Mr.D.Selvaraju, Advocate Sr No.43897  
+1cc to the Government Pleader Sr No.43917

W.P.No.35427 of 2019

RSV (CO)  
PR (01/10/2021)