



WEB COPY



W.P.No.2564 of 2022
and W.M.P.No.2687 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2564 of 2022
and W.M.P.No.2687 of 2022

S.Vajravelu

... Petitioner

Vs.

1. The District Collector,
O/o the Collector Office,
Chengalput.

2. The Special Thasildar, (Land Acquisition Dept.),
Chennai Metropolitan Development Authority,
Highways Department, Greater Chennai Section No.1,
Pudhu Street, Super Bazaar Complex,
Alandur, Chennai 16.

3. Assistant Divisional Engineer (Highways),
Chennai Metropolitan Development Authority,
Division 1, Sub Division 3,
Chennai – 32.

... Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleaded to issue a Writ of Mandamus or any other appropriate writ, order or direction to forbear the respondents from in any way acquiring/taking possession of the subject land without paying fair, adequate, and reasonable compensation for the petitioner land and building situated in door No.2/148,



W.P.No.2564 of 2022
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Gandhiji Road, Alappakkam, Nedunkundram village, Vandalur taluk, Perungalathur, Chennai 63, comprised in old Survey No.535/2 Part and new Survey No.649/6, which is an extent of 250 square meter land, bounded on North by Odai and Saravanan plot, South by Gandhi Road and Well and East by Noonmeal Center for the Children and West by Venugopal tea shop.

For Petitioner : Ms.G.Selvi George

For Respondents : Mr.M.Muthusamy
Government Advocate

ORDER

Writ Petition has been filed to forbear the respondents from in any way acquiring/taking possession of the subject land without paying fair, adequate, and reasonable compensation for the petitioner land and building situated in door No.2/148, Gandhiji Road, Alappakkam, Nedunkundram village, Vandalur taluk, Perungalathur, Chennai 63, comprised in old Survey No.535/2 Part and new Survey No.649/6, which is an extent of 250 square meter land, bounded on North by Odai and Saravanan plot, South by Gandhi Road and Well and East by Noonmeal Center for the Children and West by Venugopal tea shop.



W.P.No.2564 of 2022
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2. Since no adverse orders are passed against the respondents, notice to them is not necessary and this Writ Petition is disposed of based on the available materials.

3. The case of the petitioner is that the petitioner and his family is in possession of the land right from the year 1963 and after the death of petitioner's father, the petitioner applied for issuance of patta in his name. While so, the fourth respondent affixed a notice dated 10.01.2022 under Section 28(2)(II) of the Highways Act, 2001 for construction of Maraimalai Adigal, Bridge and occupants were directed to handover possession within 7 days of receipt of the notice. Aggrieved by the same, the petitioner made representation to the respondent on 12.01.2022 for compensation. However, till date there is no reply from the respondents. Hence, the present writ petition is filed.

4. The learned counsel for the petitioner submits that without paying the compensation and without issuing notice, the respondent Highways Department is trying to vacate the petitioner and therefore, this Court may issue



W.P.No.2564 of 2022
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appropriate direction for fair compensation, based on his representation dated 12.01.2022.

5.The learned Government Advocate has no objection for said order being passed and the compensation will be paid to the petitioner within a stipulated time as fixed by this Court.

6. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 12.01.2022, for fair compensation on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

16.02.2022

rgi/sk
Speaking Order/Non Speaking Order
Index: Yes/No
Internet: Yes/No



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M.DHANDAPANI,J.

rgi/sk

**W.P.No.2564 of 2022
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