



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.2873 of 2022
and
W.M.P.No.2996 of 2022

B. Srihari

... Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Highways Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Coimbatore.
3. The Land Acquisition Officer
District Revenue Officer,
Coimbatore

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to forthwith consider the representation of the petitioner dated 25.01.2022 and pass suitable orders pursuant to the notice dated 05.07.2021, 09.11.2021, 29.11.2021 and public notice dated 10.02.2021 in Na.Ka.No.24885/2008/U6 in respect of petitioner's lands of an extent of 192 sq.mtrs in S.No.52/1B, situated at No.151, Thaneer Pandal Road, D.R.Puram, Peelamedu, Villangkurichi Village Coimbatore-4.

For Petitioner : M/S.A.L.Ganthimathi

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus, to direct the respondents herein to forthwith consider the representation of the petitioner dated 25.01.2022 and pass suitable orders pursuant to the notice dated



05.07.2021, 09.11.2021, 29.11.2021 and public notice dated 10.02.2021 in Na.Ka.No.24885/2008/U6 in respect of petitioner's lands of an extent of 192 sq.mtrs in S.No.52/1B, situated at No.151, Thaneer Pandal Road, D.R.Puram, Peelamedu, Villangkurichi Village Coimbatore-4.

2. The case of the petitioner is that the petitioner is the absolute owner of the land and building measuring an extent of 15,597 sq.ft in the aforesaid premises. However, the petitioner came to know that there is a proposal for construction of over-bridge at Thaneer Pandal Road. In the year 2007, the plan for construction of road over-bridge was approved by the Superintending Engineer, Highways, Coimbatore. Thereafter, several persons have made representations to alter the approved plan. After receiving representations and objections from adjacent owners, on 14.03.2010, even without notice to the petitioner, the Highways Department Officials entered into the petitioner's house site and laid marking boundaries beyond the approved plan. Hence, the petitioner was constrained to file a Writ Petition in W.P.No.5867 of 2010, to forbear the respondents therein from deviating the General Arrangement Drawing No.COS/LC-6/1/07-08 as approved by the 5th respondent therein on 30.07.2007 for the construction of road over-bridge, and the Writ Petition was disposed of by this Court observing that if any of the land of the petitioner is sought to be utilized for public purpose, the same would have to be acquired in accordance with law under the Provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013.

2.1. While so, on 10.02.2021, a public notice was issued in Na.Ka.No.24885 of 2008/Rule-6 under Section-15(2) of the Tamil Nadu Highways Act 2001. As such a notice was given calling upon the persons interested to lodge a statement in writing of their objections, if any, to the acquisition of the said lands before the 3rd respondent herein within 30 days from the date of publication of the notice. The petitioner has made a detailed objection to the 3rd respondent and the petitioner has filed a W.P.No.10856 of 2021, challenging the public notice dated 10.02.2021 of the 3rd respondent under Section 15(2) of the Tamil Nadu Highways Act, 2001. This Court dismissed W.P.No.10856 of 2021 by directing the petitioner to appear before the 3rd respondent to submit his objections and the 3rd respondent was directed to consider the same and pass orders on merits and in accordance with law within a period of 12 weeks from the date of receipt of the copy of that order. Pursuant to that order, the petitioner has made a several representations dated 03.12.2021 and 25.01.2022. However, till date, no orders has been passed by the 3rd respondent. Hence, the petitioner has filed the present Writ Petition.



3. Though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representations dated 03.12.2021 and 25.01.2022 and pass orders on the same within a particular time frame fixed by this Court.

4. Mr.G.Krishna Raja, the learned Additional Government Pleader for the respondents submits that if any direction is given by this Court, the same will be complied with.

5. 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 representations dated 03.12.2021 and 25.01.2022 on merits and in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

jd/nhs

To

1. The Secretary to Government,
State of Tamil Nadu,
Highways Department,
Fort St.George, Chennai 600 009.
2. The District Collector,
Coimbatore.
3. The Land Acquisition Officer
District Revenue Officer,
Coimbatore.

+1cc to M/S.A.L.Ganthimathi, Advocate, S.R.No.11180
+1cc to the Government Pleader, S.R.No.11522

W.P.No.2873 of 2022
and
W.M.P.No.2996 of 2022

KG[co]
NSK 10/03/2022