



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.6526 of 2022

and

W.M.P.Nos.6612 & 6614 of 2022

R.Krishnamurthy

...Petitioner

Vs.

1. The District Collector,
Cuddalore District, Collectorate,
Gundu Salai Road, Alpet,
Manjakuppam, Cuddalore.
2. The Special Tahsildar (Land Acquisition),
National Highway 45 A,
Kurunchipadi, Cuddalore.
3. The Special District Revenue Officer (Land Acquisition)
National Highway 45 A,
Kuruchipadi, Cuddalore.
4. The Project Director,
Project Implementation Unit,
National Highways Authority of India,
Bommaiyarpalayam, Puducherry.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing respondents 2 to 4 to restrict land acquisition for the NH 45 A project in the petitioner's property in S.No.48/3A1A, Periyapattu Village, Cuddalore District to a length of 6 meters, as done in adjacent survey numbers.

For Petitioner : Mr.Yogeshwaran.A

For Respondents R1 to R3 : Mr.V.Veluchamy,
Additional Government Pleader

For Respondents R4 : M/s.S.R.Sumathy



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing respondents 2 to 4 to restrict the land acquisition for NH 45 A project in the petitioner's property in S.No.48/3A1A, Periyapattu Village, Cuddalore District, to a length of 6 meters, as done in adjacent survey numbers.

2.The case of the petitioner is that he owned the property in S.No.48/3A1A in the above said Village and the land acquisition proceedings were initiated by the respondents in respect of the said land of an extent of 73 Sq.Mtrs for the purpose of NH 45 A widening project and acquired only 16.4 meters and leaving 50 Sq.Mtrs of land, following which, an Award dated 26.07.2019 was passed by the 3rd respondent for acquisition of the said land. Thereafter, the petitioner preferred an appeal before the District Collector for enhancement of the amount and he received a notice from the 3rd respondent in the month of October 2019 stating that the land of an extent of 50 Sq.Mtrs in the above said Survey Number, would be acquired and the land was surveyed in the month of December, 2019 and marked the extent sought to be acquired and again re-surveyed in the month of January, 2021 and it is informed that acquisition would be made to the lands of the adjacent land owners as well as for the petitioner's land of an extent of 6 Mtrs by the respondents. However, the land of an extent of 11.6 Mtrs was acquired by the respondents. Aggrieved by the acquisition proceedings of the respondents, several representations were made by the petitioner before the respondents, but till date, no orders were passed on the said representations. Hence, this Writ Petition is filed.

3. The learned counsel for the petitioner submits that, on an earlier occasion, the petitioner made representations on various dates before the respondents 1 to 3 and thereafter made representation dated 01.03.2022 before the 3rd respondent regarding returning of the excess land acquired from the petitioner. Hence, it would suffice, if this Court, issues direction to the 3rd respondent to consider the petitioner's representation dated 01.03.2022 and apart from the utilized land, excess land, if any, may be returned back to the petitioner and orders on the same may be directed to be passed within a particular time frame that may be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submits that the petitioner's representation dated 01.03.2022 would be considered by the 3rd respondent in the manner known to law and appropriate orders will be passed on the same.



5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the 3rd respondent to consider the petitioner's representation dated 01.03.2022 and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
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4. The Project Director,
Project Implementation Unit,
National Highways Authority of India,
Bommaiyarpalayam, Puducherry.

+1cc to Mr.Yogeshwaran, Advocate, S.R.No.20193

W.P. No.6526 of 2022

MT(CO)
RGA(20/04/2022)