



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P. No.7226 of 2012

1. P.L.Raman (Deceased)
2. R.Padmavathi
3. R.Narayanan
4. R.Parthan
5. R.Kamalanathan
(P2 to P5 are substituted as
LRs of the deceased sole
petitioner vide order dated
16.08.2021 made in W.M.P.
No.34151 of 2019 in W.P.
No.7226 of 2016)

...Petitioners

-Vs-

1. The National Highways Authority of India
Rep. by its Project Director,
No.1/54-2B, Butt Road,
(Near Kathipara Junction)
St. Thomas Mount,
Chennai - 16.
2. The Commissioner,
Avadi Municipality,
Chennai - 54.
3. The Thasildar,
Ambattur Taluk Office,
Ambattur, Chennai - 98.

...Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents from interfering with or acquiring any part of his land and building bearing No.87, 'PLR' Complex, M.T.H.Road, Thirumullaivoil, Chennai-62, facing North and measuring North-South on the Eastern and Western side 40



ft., East-West on the Northern side 33 $\frac{3}{4}$ feet and on the Southern side 34 $\frac{1}{2}$ feet, in all admeasuring 1360 sq.ft., comprised in S.No.584/1B, at Thirumullaivoil Village, Ambattur Taluk, Ambattur except by due procees of law as envisaged under Land Acquisition Act and consequently to pay him compensation and damages at Rs.5,00,000/- for the loss and damage sustained to his building and the mental agony suffered by him.

For Petitioners: Mr.C.P.Sivamohan

For Respondents

For R1 : Ms.S.R.Sumathy
For R2 : Mr.P.Srinivas
For R3 : Mr.G.Ameedices
Government Advocate

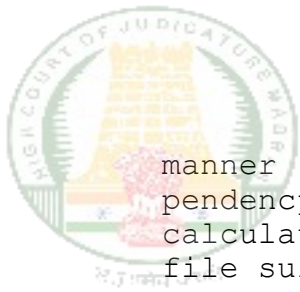
ORDER

The Writ Petition has been filed to forbear the respondents from interfering with or acquiring any part of his land and building bearing No.87, 'PLR' Complex, M.T.H.Road, Thirumullaivoil, Chennai-62, facing North and measuring North-South on the Eastern and Western side 40 ft., East-West on the Northern side 33 $\frac{3}{4}$ feet and on the Southern side 34 $\frac{1}{2}$ feet, in all admeasuring 1360 sq.ft., comprised in S.No.584/1B, at Thirumullaivoil Village, Ambattur Taluk, Ambattur, except by due procees of law as envisaged under Land Acquisition Act and consequently to pay him compensation and damages at Rs.5,00,000/- for the loss and damage sustained to his building and the mental agony suffered by him.

2. Heard Mr.C.P.Sivamohan, learned counsel appearing for the petitioners, Ms.S.R.Sumathy, learned counsel appearing for the first respondent, Mr.P.Srinivas, learned counsel appearing for the second respondent and Mr.G.Ameedices, learned Government Advocate appearing for the third respondent.

3. The first respondent filed counter and revealed that the suit property situated at M.T.H. Road Thirumullaivoil, Ambattur and it does not come under the jurisdiction of the first respondent. Even assuming that the road widening work has been taken by the first respondent, for the purpose of widening the road, the first respondent would act only in accordance with the provisions contemplated under the National Highways Act, 1956.

4. Recording the said submission, the Writ Petition is closed. Insofar as the compensation for the loss and damage caused to the building owned by the petitioners, the petitioners are at liberty to approach concerned court for damages in the



manner known to law. It is made clear that the period of pendency of this Writ Petition may be excluded, while calculating the limitation, if the petitioners are advised to file suit for damages. There shall be no order as to costs.

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s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

rts

To

1. The Project Director,
National Highways Authority of India
No.1/54-2B, Butt Road,
(Near Kathipara Junction)
St. Thomas Mount,
Chennai - 16.
 2. The Commissioner,
Avadi Municipality,
Chennai - 54.
 3. The Thasildar,
Ambattur Taluk Office,
Ambattur, Chennai - 98.
- +1 CC to The Government Pleader sr 1966
+1 CC to Mr.C.P.Sivamohan, Advocate sr 1480.

W.P. No.7226 of 2012

PMK (CO)
SP(04/02/2022)