



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.04.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.9289 of 2022 & W.M.P.No.9047 of 2022

S.Udhayashankar

... Petitioner/Petitioner

Vs.

1. The Divisional Engineer,
Office of the Divisional Engineer,
National Highways - Chennai Division,
Jai Nagar 2nd Main Road,
Arumbakkam, Chennai - 600 106.

2. The Project Director,
Office of the Project Director,
PIU, Kancheepuram,
7/16, Govindarajan Street,
Tambaram West - 600 045.

3. The Assistant Engineer, NH-O&M,
At site N.H.46/5 to 46/7,
Office of the Divisional Engineer,
National Highways - Chennai Division,
Chennai - 600 106.

... Respondents/Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein not to extend the road or any others purpose into petitioner Patta lands comprised in Survey Nos. 536, 538, 539/1B, 539/2B, 540/1B and 540/2B admeasuring to a total area of 1 Hectare 91.5 Ares (4 Acres 73 Cents) at Thirukachur Village on GST Road at NH 45 between 46/5 to 46/7 Kilometers, left side Highway towards Chengalpattu, without following procedures established by law and pass any such or further orders or directions, in the nature of any other writ.

For Petitioner : Mr.R.Balachanderan

For Respondents : Mr.TNC.Kaushik

Additional Government Pleader



ORDER

Mr.TNC.Kaushik, learned Additional Government Pleader accepts notice on behalf of all the respondents and has received instructions to assist the Court with the final disposal of the matter, even at this juncture. Hence, by consent of both learned counsel, this Writ Petition is disposed finally, even at the stage of admission.

2. The prayer is for a mandamus directing the respondents not to extend the road into his patta lands comprised in Survey Nos.536, 538, 539/1B, 539/2B, 540/1B and 540/2B admeasuring a total area of 1 Hectare 91.5 Ares (4 Acres 73 Cents) at Thirukachur Village on GST Road at NH 45 between 46/5 to 46/7 Kilometers, on the left side of the Highway towards Chengalpattu (land in question), except without due process of law.

3. Mr.Kaushik, on instructions, states that the authorities do not propose to encroach upon the petitioner's properties and what is being attempted now is only a survey of the property in entirety in order to enable the authorities to determine the boundaries of the petitioner's properties. To this, there is stiff resistance that is being put up by the petitioner. He would request that a direction be issued to the petitioner to co-operate with the authorities to enable the process of survey.

4. Thus, both in the interests of substantial justice, as well as the parties, the authorities will continue the process of survey of the land in question, after issuing notice to the petitioner, in accordance with applicable Rules and Regulations in this regard. The laying of the road if at all, shall be after the process of survey and marking of boundaries of petitioner's properties is undertaken and strictly following the due process of law.

5. This writ petition stands disposed as above. Consequently, connected writ miscellaneous petition is also closed. No Costs.

Sd/-

Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar



nst/sl

To

1. The Divisional Engineer,
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+lcc to the Government Pleader, SR.No.26747(03/06/2022)

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MG(CO)

CB(21/04/2022)