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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.12302 OF 2022

M/s. Easun-MR Tap Changers (P) Ltd
Represented by its President, CFO and Company Secretary,
Mr.R.Ravikumar,
Son of Mr.R.Ramasamy,
No.612, C.T.H.Road, Thiruninravur,
Chennai-602 024.

... Petitioner

Vs.

1. The Project Director,
National Highways authority of India,
No.SP 34, Industrial Estate,
3rd Floor, Sri Towers,
Guindy, Chennai-600 032.
2. The Special District Revenue Officer (L.A.),
National Highways N-205,
Door No.3/4, Lal Bahadur Sastri Street,
Petriyakuppam, Trivellore Railway Station,
Trivellore-602 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other order or direction in the nature of a writ directing the respondents to de-notify the lands wrongly acquired under National Highways Act-1956 comprised in Survey Nos.852/2 and 853/4B of Pakkam Billage, Thiruvallur Taluk measuring an extent of 0.26.50 hectares and an extent of 0.4.0 hectares based on the Petitioner's representation dated 17.03.2016, 06.09.2021, 07.09.2021 and 06.01.2022.

For Petitioner : M/s.T.Thiyagarajan

For Respondents : M/s.Su.Srinivasan
Government Advocate for R1,
M/s. Akila Rajendiran,
Government Advocate for R2.



ORDER

The present petition has been filed seeking a direction to the respondents to de-notify the subject lands wrongly acquired under National Highways Act-1956 based on the representations made by the petitioner.

2. It is the case of the petitioner that initially a notification for acquisition of lands for the National Highways was made in the year 2010, of which he was not aware of, which was followed by another notification in the year 2010, of which he was not aware of, which was followed by another notification in the year 2016 and based on which the petitioner was called for enquiry and only during that time the petitioner came to know about the earlier notification. It is the further case of the petitioner that even as per the 2nd respondent's communication, certain lands were wrongly acquired in the earlier notification, which would not serve any purpose for which the 2nd Respondent had already sent communication to the 1st respondent to denotify the said lands and no compensation has been paid for the said lands. However, as no action has been taken for denotification, the petitioner sent series of representations, the last of which was sent on 06.01.2022. As no action has been taken on the said representation, the present Writ Petition has been filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the Respondents to consider the representation made by the petitioner and dispose of the same on merits, within the time that may be stipulated by this Court.

4. Learned Government Advocate appearing for the respondents submits that the petitioner's representation dated 06.01.2022 will be considered and disposed of in accordance with law, within the time stipulated by this Court.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the 1st Respondent to consider the representation dated 06.01.2022 made by the petitioner and dispose of the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-

Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Project Director,
National Highways authority of India,
No.SP 34, Industrial Estate,
3rd Floor, Sri Towers,
Guindy, Chennai-600 032.
2. The Special District Revenue Officer (L.A.),
National Highways N-205,
Door No.3/4, Lal Bahadur Sastri Street,
Petriyakuppam, Trivellore Railway Station,
Trivellore-602 001.

+1cc to M/s.T.Thiyagarajan, Advocate, S.R.No.34036

+1cc to the Government Pleader, S.R.No.34590

W.P.No.12302 of 2022

AD(CO)

RLP(01/07/2022)