



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.13898 of 2022

and

W.M.P.No.13161 of 2022

H.D.Shanthakumar

...Petitioner

vs.

1. The District Collector,
Chengalpattu District,
Chengalpattu - 603 001.
2. The Special District Revenue Officer,
Land Acquisition,
Highways, Metropolitan wing,
Alandur, Chennai - 16.
3. The Assistant Divisional Engineer,
Construction and Maintenance,
Tambaram Sub Division,
Office of the Construction and Maintenance,
Tambaram, Chennai - 600 042.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to not interfere with the peaceful possession of the petitioner and restraining the respondents from demolishing, removing or altering the premises of the petitioner in survey No.414/5A, with respect to an area that is not covered under G.O.No.9 dated 28.02.2019.

For Petitioner : Mr.V.Lakshminarayanan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader



ORDER

This writ petition has been filed seeking for issuance of a Writ of Mandamus to direct the respondents not to interfere with the peaceful possession of the petitioner's property and restraining them from demolishing, removing or altering the premises of the petitioner in Survey No.414/5A, with respect to an area that is not covered under G.O.Ms.No.9 dated 28.02.2019.

2. The case of the petitioner is that the petitioner and his brother are joint owners of the property in S.No.414/5A, situated in Medavakkam, Chennai. Thereafter, the second respondent / Highways Department had made a publication in the "local daily" on 23.11.2016 in Na.Ka.No.326/2016/A1, for the purpose of expansion of National Highways, without providing an opportunity of hearing to the owners of the property. It is pertinent to note that, according to G.O.Ms.No.9 of 2018, Highways and Minor Ports Department, dated 28.02.2018, only 34 sq.mts are covered within the said G.O. On 24.05.2022, suddenly the authorities had barged into the premises of the petitioner and threatened to demolish the petitioner's property. As the authorities had already demolished 34 sq.mts. as per the public notice dated 23.11.2016, issued by the second respondent / Highways Department, the petitioner has made a representation dated 25.05.2022 before the respondents to restrain themselves from demolishing the unacquired portion. Hence the petitioner has come up with the present Writ Petition seeking the aforesaid relief.

3. The learned counsel for the petitioner submits that the petitioner and his brother are the joint owners of larger extent of property in S.No.414/5A, out of which 34 sq. mts. was acquired for the purpose of expansion of National Highways, for which, the authorities issued a Notification dated 23.11.2016. However, suddenly the Highways Authorities barged into the petitioner's property to acquire the other portion of the land, apart from the land mentioned in the G.O.Ms.No.9, Highways and Minor Ports Department dated 28.02.2018. He further submitted that, it would suffice if this Court, issues direction to the respondents restraining them from demolishing the petitioner's property in respect of area that is not covered as per the G.O.Ms.No.9, Highways and Minor Ports Department, dated 28.02.2018.

4. The learned Special Government Pleader appearing for respondents submitted that, except the acquired land, the petitioner's possession will not be disturbed without due process of law.



5. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6. Recording the fair submission made by the learned Special Government Pleader appearing for the respondents, the Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

RAP

To

1. The District Collector,
Chengalpattu District,
Chengalpattu - 603 001.
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+1cc to the Government Pleader, S.R.No.35345

W.P.No.13898 of 2022

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NSK/27/06/2022