



W.P.No.43943 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2022

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

W.P.No.43943 of 2016

and

W.M.P.Nos.37776 & 37777 of 2016

K.Govindarajan

. . . Petitioner

Vs.

1. The District Collector of Thiruvallur District
Collectorate
Thiruvallur

2. The Competent Authority-cum-
Special DRO (LA) NH 485
Thiruvallur and Kancheepuram District
Poonamallee,
Chennai-600 057.

3. The National Highway Authority of India
Rep.by its Dy.General Manager (Tech)
and Project Director
Project Implementation Unit
“ Sri Tower”, 3rd Floor
DP 34 (SP) Industrial Estate,
Guindy, Chennai-600 032.

. . . Respondents



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PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to call for the records of the 3rd Respondent pertaining to impugned notice dated 26.11.2016 made in No.NHAI/18011/36/2009/PIU, Chennai/2433 issued by the 3rd respondent, quash the same and consequently direct the 3rd respondent not to dispossess the Petitioner from his property to the extent of 33.56 square meters in Survey No.193/3-B situated in Soorapattu Village, Ambattur taluk, Tiruvallur District except due process of law, by issuance of Writ of Certiorarified Mandamus or any other Writ or Order in the nature of Writ.

For Petitioners : M/s.K.V.Subramanian Associates

For Respondents : Mr.T.K.Saravanan,
Government Advocate

: M/s.N.Kalaivani
for M/s.Wilson Associates for R3

ORDER

The present petition has been filed seeking to quash the impugned notice dated 26.11.2016 issued by the 3rd respondent and to direct the 3rd respondent not to dispossess the Petitioner from his property situated in Survey No.193/3-B to an extent of about 33.56 square meters, Soorapattu



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Village, Ambattur taluk, Tiruvallur District without following due process of law.

2. It is the case of the petitioner that the National Highways Authority has acquired the lands to an extent of 365 sq.mtr including certain portion of the petitioner's property situated in Survey No.193/34B (part) to an extent of about 76 sq.mtrs, Surapattu Village, Ambattur Taluk, Tiruvallur District, for the purpose of laying of their service road of NH 4 & 5 under the provisions of the National Highway Act, 1956, for which, award was passed on 13.03.2007 fixing the value of Rs.227/- per sq.ft. However, the compensation amount was not paid to the petitioner nor the physical possession was taken. While being so, the 3rd respondent had issued the eviction notice dated 26.11.2016 for removal of unauthorized occupants in the above said property in dispute. Challenging the said notice, the petitioner has come up with the present petition.

3. Though the present petition has been filed seeking a larger relief, however, the learned counsel for the petitioner submits that, it would suffice, if this Court issues a direction to respondents 2 & 3 to survey the



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petitioner's property in the presence of the petitioner in order to proceed further in accordance with the law.

4. On the above contentions, this Court heard the Government Advocate appearing for respondents 1 & 2 and perused the materials available on record.

5. Though this Writ Petition has been filed seeking a larger relief, however, in view of the limited relief sought for by the petitioner, this Court is inclined to direct the respondents 2 & 3 to depute the Taluk surveyor to measure the disputed portion of the property in the presence of the petitioner and the said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this Order. In case the petitioner has encroached upon any extent of the said property, respondents are directed to take appropriate action for evicting the petitioner from the property in accordance with law. Till the completion of the aforesaid exercise, no co-ercive action shall be taken against the petitioner and the interim order passed by this Court shall continue till then.



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6. Accordingly, this Writ Petition is disposed of with the aforesaid direction. No Costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index : Yes / No

Internet : Yes / No



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M.DHANDAPANI, J.

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To

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