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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.06.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.13773 of 2022
and
W.M.P(MD)Nos.9777 & 9779 of 2022

Sumathi ... Petitioner

Vs

1.The Principal Secretary to Government,
Highways and Minor Ports Department,
St.George Fort,
Chennai – 9.

2.The District Collector,
Karur District,
Karur.

3.The Chief Engineer,
Construction and Maintenance,
Highways Department,
Chennai – 5.

4.The Superintending Engineer,
Construction and Maintenance,
Highways Department,
Thiruppur.

5.The Divisional Engineer,
Construction and Maintenance,
Highways Department,
Karur.

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6.The District Revenue Officer,
Karur.

7.The Special Tahsildar (Land Acquisition),
Ring Road Unit-I,
Karur.

8.The Special Tahsildar (Land Acquisition),
Ring Road Unit-II,
Karur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents interfering with petitioner's property in S.No. 394/3, 394/4, 394/5 and 394/7 situated at Nerur North, Karur, Karur District, without following the procedures stipulated under the Tamil Nadu Highways Act, 2001.

For Petitioner : Mr.I.Abrar Md Abdullah

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner is aggrieved by the survey conducted by the official respondents and installation of survey stones in the petition mentioned lands. There is no dispute that the petition mentioned lands belong to the writ petitioner.

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3. The learned Additional Government Pleader states that only to study the feasibility of forming ring road through the petition mentioned lands the survey exercise was undertaken. Section 14(2) of the Tamil Nadu Highways Act, 2001 which reads as follows:

> *" 14(2) For the purpose of making the survey, taking measurements, levels, boundaries or for making lines, the Highways Authority or its officers or servants may cut down and clear away any standing crops, tree, fence, or jungle or any part thereof and do such other acts as may be necessary in this behalf :*
> *Provided that the Highways Authority or its officers or servants shall not enter any premises, except with the consent of the owner or occupier thereof and after giving such person atleast forty eight hours notice in writing of their intention to do so, and if the owner or occupier is not available, record the fact in a notice and affix such notice in the place, before carrying any such work."*

4. Admittedly, the respondents have not put the writ petitioner on notice before entering her land or installing the survey stones.

5. The learned Special Government Pleader fairly states that the survey stones will be removed from the writ petitioners land and that they would scrupulously adhere to due process.

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6. Recording the said undertaking, this Writ Petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

30.06.2022

Index : Yes / No
Internet : Yes/ No
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