



W.P.(MD).No.26937 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.(MD)No.26937 of 2022

and

W.M.P.(MD).No.21103 of 2022

A.Senthamarai

... Petitioner

vs.

- 1.The Secretary to Government,
Highways and Minor Ports Department,
Fort St. George,
Chennai 600 009.
- 2.The District Collector,
Office of the District Collector,
Madurai District.
- 3.The Special District Revenue Officer, (L.A),
Office of the Special District Revenue Officer, (L.A),
Madurai District.
- 4.The Tahsildar,
Madurai East Taluk Office,
Madurai District.
- 5.The Divisional Engineer,
Highways (Construction and Maintenance),
Madurai Division, Madurai West,
Madurai District.



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6.The Executive Engineer,
Public Works Department (WRO),
Periyar Vaigai Basin Project,
Tallakulam,
Madurai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents herein in any way laying the approach road from Madurai Viraganoor Ring Road Bridge through the petitioner's land comprised in Old R.S.No. 217/3C having New R.S.No.71/3C2 of an extent of 0.0.20 hectares situated at Vandiyur 2nd Bit Village, Madurai North Taluk, Madurai District without obtaining proper feasibility report and other necessary permissions from the Government and consequently directing the respondents to consider alternative route for laying the said approach road, by considering his representation, dated 26.07.2022.

For Petitioner : Mr.C.Gangai Amaran

For R1 to R6 : Mr.D.Sadiq Raja

Additional Government Pleader



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ORDER

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents in any way laying the approach road from Madurai Viraganoor Ring Road Bridge through the petitioner's land comprised in Old R.S.No.217/3C having New R.S.No.71/3C2 to an extent of 0.0.20 hectares situated at Vandiyur 2nd Bit Village, Madurai North Taluk, Madurai District, without obtaining proper feasibility report and other necessary permissions from the Government and consequently direct the respondents to consider alternative route for laying the said approach road, by considering his representation, dated 26.07.2022.

2. By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

3. The learned counsel appearing for the petitioner would submit that the third respondent has initiated the land acquisition proceedings for laying the approach road in Madurai Anna Nagar to Viraganoor Ring Road without publishing proper notification and without calling for

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objections from the land owners concerned within fifteen days period and hence the notification issued by the third respondent dated 17.11.2021 is illegal.

4. The learned Additional Government Pleader appearing for the respondents would submit that Gazette Notification has been published on 18.04.2022 and the petitioner has appeared before the authorities and raised an objection and the same was considered and then 15(1) Notification has been published for formation of bye-pass road between Ambasamudram and Kallidaikurichi of Tirunelveli District, Ambasamudram Taluk, Vagaikulam Village. He would further submit that already scheme has been formulated and appropriate plan and other aspect has been completed and feasibility report has also been obtained to form the approach road and hence, the petitioner's claim cannot be considered and the same has to be rejected.

5. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.



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6. Considering the above facts, this Court, without going into the merits of the matter, directs the respondents to pass appropriate orders on the petitioner's representation, dated 26.07.2022, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

30.11.2022

Index: Yes/No
Internet: Yes/No

akv

To

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2. The District Collector,
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V.BHAVANI SUBBAROYAN,J.

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