



WEB COPY



WP.No.3607 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR

WP.No.3607 of 2023
and W.M.P.Nos.3688 & 3690 of 2023

1.R.Rajasekaran
2.A.Senthil Kumar
3.G.Ramesh
4.M.Thulasiyammal
5.V.Senthilkumar
6.S.Sathishkumar

.. Petitioners

Versus

1.The Special DRO (Land Acquisition)
Chennai – Kanyakumari Industrial Road Plan
74, Vijayarahavan Nagar
Zaheer Ammapalayam
Salem – 636 302

2.The Divisional Engineer (Highways)
Nabard and Rural Roads
Manakkadu Govt. Workshop
Opposite to Govt. Workshop
Salem – 636 007

3.Assistant Divisional Engineer (Highways)
Chennai – Kanyakumari Industrial Road Plan
Nabard and Rural Roads
Travellers and Bungalow
3/185-C, Mohanur Road
Kondichettypatty
Periyapatty (po)
Namakkal – 637 002

.. Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to ensure proper access for men and heavy vehicles such as tractors/harvestors/lorries from State Highways 95 to the agricultural lands belonging to the writ petitioners 1 to 6.

For Petitioner : Mr.Nithyavendhan K
For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

This writ petition is filed seeking for the issuance of Writ of Mandamus to direct the respondents to ensure proper access for men and heavy vehicles such as tractors/harvestors/lorries from State Highways 95 to the agricultural lands belonging to the writ petitioners 1 to 6.

2. It is the case of the petitioner that they are engaged in agricultural activities in their respective lands in Kalappanikanpatti Village in Sendamangalam Taluk, Namakkal District. It is the grievance of the writ petitioners that the official respondents post land acquisition are fencing the entire road without leaving a passage and the road is also constructed at an elevation of about 8-10 feet from the agricultural lands, due to which, the petitioners are at hardship in accessing the state highway, though it located abutting the State Highway. Hence, this petition.



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3. Mr.P.Sathish, learned Additional Government Pleader takes notice for the respondents. He placed a letter received from the second respondent, dated 08.02.2023, whereas, it is *inter alia* stated that there is no fencing work on the sides of road. The W-beam metal crash barrier work is under progress at curve portions of road only for the safety of road users and the same will not affect the access to the petitioners' land. The RCC humen pipes will be provided in the earthen drains to provide access to the land owners. It is also reiterated that proper access will be provided for men and heavy vehicles such as tractors/harvesters/lorries from the both side of newly constructing Kalappanaickenpatty bypass(SH 95) to all the petitioner's land.

4. The learned counsel for the petitioners submitted that they may be permitted to make a representation to the respondent officials and appropriate orders may be passed after providing opportunity of personal hearing to the petitioners.

5. Heard both sides and perused the materials placed on record. Considering the plight of the petitioners, this Court permits the petitioners to make representations before the official respondents and the respondents shall pass appropriate order (s) on merits and in accordance with law after providing



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opportunity of hearing to the petitioners. The above letter dated 08.02.2023 is recorded and the same shall form part of the record.

6. Accordingly, this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

08.02.2023

dhk

Index:Yes/No

Internet: Yes/No

To

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N.SATHISH KUMAR, J.

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