



W.P.No.27382 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27382 of 2013

S.Philips

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Petitioner

vs

1. The District Collector
Krishnagiri District
Krishnagiri.

2. State of Tamil Nadu represented by its
Secretary to Government
Revenue Department
Fort St. George, Chennai – 600 009.

3. The Project Director
National Highways Authority of India
Krishnagiri.

[R3 impleaded vide order dated 07.09.2020 in
M.P.No.1 of 2014 in W.P.No.27382 of 2013]

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus, directing the respondents to conduct an enquiry in the matter of illegally taking away an extent of 800 Sq. mtrs of land in S.No.196/A and 196/2 belonging to the petitioner's family at Kattikanapalli Village, Krishnagiri District for the purpose of widening the road without



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following due process of law and consequently restore the lands to its original position by restoring possession to the petitioner after punishing the persons who were involved in this land grabbing of the petitioner's above mentioned property.

For the Petitioner : Mr.R.Thiyagarasan

For the Respondents : Mr.T.Arunkumar
Additional Government Pleader
for respondents 1 and 2

Mr.Su.Srinivasan
for respondent 3

ORDER

The relief sought for in this writ petition is to direct the respondents to conduct an enquiry in the matter of illegally taking away an extent of 800 Sq. mtrs of land in S.No.196/A and 196/2 belonging to the petitioner's family at Kattikanapalli Village, Krishnagiri District for the purpose of widening the road without following due process of law and consequently restore the lands to its original position by restoring possession to the petitioner after punishing the persons who were involved in this land grabbing of the petitioner's above mentioned property.



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2. The learned Standing Counsel for the third respondent National Highways made a submission that the encroachers in that locality were evicted and more so, in respect of the allegations of the writ petitioner, appropriate actions were initiated under the provisions of the Land Acquisition Act and the subject land was also acquired, award passed and compensation was deposited on the file of the Sub-Court, Krishnagiri.

3. The procedures as contemplated under the statute had already been followed and the construction materials stored in the land belonging to the petitioner also were removed and therefore, there is no further reason to adjudicate the issues raised in the present writ petition.

4. It is an admitted fact that the construction materials were stored in the land belonging to the petitioner without obtaining any proper permission from the petitioner. Thus, the petitioner is at liberty to approach the competent authority for grant of compensation / rent or otherwise, which is



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to be considered taking note of the fact that the construction materials were stored illegally in the land belonging to the petitioner.

5. In this regard, the petitioner is at liberty to approach the Project Director / National Highways Authority of India, Krishnagiri and in the event of receiving such application, an enquiry is to be conducted and appropriate relief is to be granted to the writ petitioner in respect of the illegalities committed by the competent authority.

6. With these directions, the writ petition is disposed of. There will be no order as to costs.

13.03.2023

Index : Yes/No
Neutral Order:Yes/No
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To:

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S.M.SUBRAMANIAM,J.

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