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W.P.No.9063 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.9063 of 2023 and
W.M.P.No.9191 of 2023

Madhanagopal

... Petitioner

Vs.

1. The Project Director,
Project Implementation Unit,
National Highways Authority of India,
(Ministry of Road Transport of Highways)
Chengalpattu,
No.41/8A, 2/285, Velachery Tambaram
Main Road,
Santhoshpuram, Medavakkam,
Chennai – 600 073.

2. The Regional Director,
Regional Office, National Highways,
Authority of India, SP 34, Industrial Estate,
3rd Floor, Sri Tower, Guindy,
Chennai – 600 032.

3. The Team Leader,
M/s.L.N.Malviya Infra Projects (P) Ltd.
Pl.No.150, Vallalar Main Road,
Narasankuppam Village,
Chengalpattu District 603 127.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for



W.P.No.9063 of 2023

issuance of a Writ of Mandamus, forbearing the respondents from constructing culvert near the petitioner's agricultural land comprised in S.No.32/7A, 32/6A, 32/6B of (Koovathur) Killarkollai Village, Cheyur Taluk, Chengalpattu District.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.Su.Srinivasan
for R1 and R2

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to forbear the respondents from constructing culvert near the petitioner's agricultural land comprised in S.No.32/7A, 32/6A, 32/6B of (Koovathur) Killarkollai Village, Cheyur Taluk, Chengalpattu District.

2. Since no adverse order is being passed against the third respondent, notice to third respondent is dispensed with.

3. It is the case of the petitioner that his property situated in the above said village were sought to be acquired for the purpose of widening the National Highways for the project of 332-A-Puducherry to Mamallapuram Corridor. Thereafter, 3(1) notification was issued, for which the petitioner submitted his objections which were overruled and declaration was made and



W.P.No.9063 of 2023

Award was passed. However, the respondents 1 and 2 through the third respondent have proposed to put up a culvert adjacent to the petitioner's agricultural land for the purpose of draining the excess rain water during rainy season. While so, the petitioner made representations before the first and second respondents dated 25.01.2023 and 01.02.2023 respectively to relocate the said culvert 10 metres away from his agricultural land. Since the same was not considered, the present writ petition has been filed.

4. Though very many grounds have been raised in the present writ petition, it would suffice if this Court issues a direction to the respondents 1 and 2 to consider the petitioner's representations dated 25.01.2023 and 01.02.2023 and pass appropriate orders within the time frame that may be fixed by this Court.

5. Learned counsel appearing for the respondents has no objection for the said order being passed.

6. Heard learned counsel appearing on either side and perused the materials available on record.



W.P.No.9063 of 2023

WEB COPY

7. Considering the facts and circumstances of the case, this Court without going into the merits of the case directs the respondents 1 and 2 to consider the petitioner's representations dated 25.01.2023 and 01.02.2023 and pass appropriate orders on merits and in accordance with law after affording an opportunity of hearing to the petitioner as well as aggrieved persons if any including the third respondent herein within a period of four weeks from the date of receipt of a copy of this order.

8. This writ petition is accordingly disposed of. No costs.
Consequently connected miscellaneous petition is closed.

24.03.2023

Index : Yes / No
Speaking order / Nonspeaking order
Neutral Citation Case : Yes / No
rap



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To

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W.P.No.9063 of 2023

M.DHANDAPANI, J.

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W.P.No.9063 of 2023

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