



WEB COPY

W.P.Nos.21104 & 21105 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.21104 & 21105 of 2017

and

W.M.P.Nos.21976, 21977 of 2017 & 1349, 1350 of 2018

- | | |
|----------------|---|
| 1.S.Ramamurthy | ... Petitioner
in W.P.No.21104 of 2017 |
| 2.S.Munuswamy | ... Petitioner
in W.P.No.21105 of 2017 |

Vs.

- 1.The Special Deputy Collector, (LA)
Tamil Nadu Urban Development Scheme – III
Chennai – (E), Poonamallee.
- 2.The District Revenue Officer,
Kancheepuram District,
O/o Collectorate, Kancheepuram Dt.
- 3.The Chief Engineer (Highways)
Metro, Alandur,
Chennai – 16.
- 4.The Chief Engineer (Construction & Maintenance)
Highways Department, Guindy,
Chennai – 21.



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5.The Assistant Divisional Engineer,
Construction & Maintenance,
Highways Department,
Tambaram Sub-Division,
Velacherry, Chennai.

6.The Special Tahsildar
Urban Land Tax Scheme
GST Road,
Pallavaram, Chennai.

... Respondents
in both WPs

Prayer in W.P.No.21104 of 2017: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the petitioner property in any manner in respect of door No.334, Survey No.334/10 (as per patta Survey No.334/10B) Medavakkam Main Road, Keelkattalai, Chennai – 117 without following due process of law.

Prayer in W.P.No.21105 of 2017: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the petitioner property in any manner in respect of door No.334, Survey No.334/10 (as per patta Survey No.334/10A) Medavakkam Main Road, Keelkattalai, Chennai – 117 without following due process of law.

For Petitioners	: Mr.T.Sellapandian (in both WPs)
For Respondents	: Mr.Abishek Murthy Government Advocate (in both WPs)



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COMMON ORDER

The relief sought for in these writ petitions is to forbear the respondents from interfering the petitioners property in respect of door No.334, Survey No.334/10 (as per patta Survey No.334/10B) and door No.334, Survey No.334/10 (as per patta Survey No.334/10A) Medavakkam Main Road, Keelkattalai, Chennai – 117.

2. The relief as such sought for cannot be considered in view of the fact that the writ petitions have been filed based on the fact that the authorities made an attempt to interfere.

3. The learned counsel for the petitioners contended that the acquisition proceedings were not commenced and therefore, the authorities cannot interfere with the possession of the petitioner in respect of the subject property.

4. The learned Government Advocate appearing on behalf of the respondents raised an objection by stating that there is no cause for filing the present writ petition as there was no acquisition proceedings initiated during the relevant point of time.



5. No doubt, if at all the lands are to be acquired for widening the road or highways or otherwise, the authorities competent are bound to follow the procedures as contemplated under the Acquisition laws and therefore, the relief as such sought for in the present writ petition at this length of time deserves no merit consideration.

6. Accordingly, the Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

27.04.2023

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

- 1.The Special Deputy Collector, (LA)
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S.M.SUBRAMANIAM, J.

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