



W.P.No.28942 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.28942 of 2023
and
W.M.P.No.28644 of 2023

B.Govindaraj
S/o.C.V.Balarama Mudaliar

... Petitioner

versus

1. The Government of Tamil Nadu
Represented by its Secretary
Highways Department
Fort St.George, Chennai.
2. The Collector of Thiruvallur District
Office of the Collector of Thiruvallur
Thiruvallur.
3. The Chief Engineer
The Tamil Nadu Highways
Chennai Metropolitan Projects Development (CMPD)
HRS Campus, Guindy
Chennai-600 025.
4. The Divisional Engineer
The Tamil Nadu Highways Department
Chennai Metropolitan Projects Development (CMPD)

Pg.Nos.1/6



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HRS Campus, Guindy
Chennai-600 025.

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5. The Special District Revenue Officer /
Land Acquisition Officer (Metro Wing)
State Highways Department
HRS Campus, Guindy
Chennai-600 025.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 5th respondent in terms of the related notification under Section 15(1) and the incidental notice under Section 19(2) dated 23.06.2023 bearing Na.Ka.No.130/2007/E1 issued under the provisions of the Tamil Nadu Highways Act, 2001 and quash the same and thereby, directing the respondents not to interfere with the peaceful possession and enjoyment of the property of the petitioner situated at Door No.3B, Mount Poonamallee Road, Porur, Chennai-600 116, Survey No.108/1, to an extent of 441 sq.ft was partly purchased by the petitioner (231 sq.ft) and property comprised in Survey No.107/1B and 19/1B, in accordance to Patta 107/8 and 19/10, Laxmi Nagar, approved layout land to an extent of 1200 square feet out of a total extent of 1600 square feet.

For Petitioner	:	Mr.A.Palaniappan
For Respondent	:	Mr.P.Gurunathan Additional Government Pleader for R1, R2 and R5



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ORDER

The writ petition has been filed seeking to quash the notification issued under Section 15(2) and the incidental notice under Section 19(2) dated 23.06.2023 bearing Na.Ka.No.130/2007/E1 issued under the provisions of the Tamil Nadu Highways Act, 2001 and direct the respondents to not to interfere with the peaceful possession and enjoyment of the property of the petitioner situated at Door No.3B, Mount Poonamallee Road, Porur, Chennai-600 116 comprised in Survey No.108/1, measuring to an extent of 441 sq.ft which was partly purchased by the petitioner (231 sq.ft) and property comprised in Survey Nos.107/1B and 19/1B measuring to an extent of 1200 square feet in accordance with Patta Nos.107/8 and 19/10.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for respondents 1, 2 and 5.

3. On 09.10.2023, when the matter was taken up for hearing, this Court directed the learned Additional Government Pleader for respondents to file counter and also directed the Registry to list the matter today.

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4. Even though the matter was adjourned for filing counter, the respondents have not filed any counter and that they are not interested in contesting the case. Therefore, this Court is inclined to set aside the impugned notice dated 23.06.2023.

5. Accordingly, this Writ Petition is allowed and impugned notice dated 23.06.2023 is hereby set aside. However, the respondents are at liberty to initiate fresh proceedings after considering the grievance addressed by the writ petitioner. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

06.11.2023

Speaking/Non-speaking order

Index: Yes/No

Neutral citation : Yes/No

mk

To

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P.VELMURUGAN, J.

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