



WEB COPY

W.P. No.28771 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.28771 of 2023 and
W.M.P. No.28365 of 2023

K.N.Gunasekaran

... Petitioner

Vs.

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

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of Certiorarified Mandamus to call for the records of the 5th respondent in terms of Section 15(2) notice dated 19.01.2022, bearing Naka No.765/2021/A1 the related notification under Section 15(1) and the incidental notice under Section 19(2) dated 23/06/2023 bearing Naka No.130/2007/E1 issued under the provisions of the Tamil Nadu Highways Act 2001 and quash the same and thereby direct the respondents not to interfere with the peaceful possession and enjoyment of the property of the petitioner for an extent of 539 Square feet, comprised in Survey No.109/12B, bearing Door No.100/5, Laxmi Nagar, Porur Village, presently Maduravoyal Taluk, Thiruvallur District, together the superstructure thereon comprising of ground floor, 1st floor and 2nd floor and portion of the 3rd floor and pass such further orders.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

This Writ Petition is filed for issuance of writ of Certiorarified Mandamus to call for the records of the 5th respondent in terms of Section 15(2) notice dated 19.01.2022, bearing Naka No.765/2021/A1 the related notification under Section 15(1) and the incidental notice under Section 19(2) dated 23/06/2023 bearing Naka No.130/2007/E1 issued under the provisions of the Tamil Nadu Highways Act 2001 and quash the same and thereby direct the respondents not to interfere with the peaceful possession and enjoyment



of the property of the petitioner for an extent of 539 Square feet, comprised in Survey No.109/12B, bearing Door No.100/5, Laxmi Nagar, Porur Village, presently Maduravoyal Taluk, Thiruvallur District, together the superstructure thereon comprising of ground floor, 1st floor and 2nd floor and portion of the 3rd floor.

2. The contention of the petitioner is that the 4th respondent had resorted to issue notice dated 23.06.2023 seeking acquisition of petitioner's land of an extent of 82 Sq. Mts. together with superstructure. The petitioner had independently given a representation to the authorities on 12.07.2023 at the time of enquiry for compensation, seeking for reduction in the extent of acquisition from 7 meters as in the event of reducing the acquisition of land on the northern side by 3 m or 4 m, the same would substantially change the entire features of the structures situated in the said locality and most of the buildings could be saved. But in the meantime, the authorities are proceeding with passing of the Award in respect of the aforesaid acquisition process. If the authorities proceed to pass the Award in respect of the aforesaid land acquisition proceedings initiated by them, the same would cause substantial prejudice, hardship and sufferings to the petitioner.



3. Heard the learned counsel for the petitioner and the learned

Additional Government Pleader appearing for the respondents.

4. In the light of the limited prayer sought for in this writ petition and the submissions of the learned counsel on either side, this Court without going into the merits of the case, directs the respondents to consider the representation of the petitioner dated 12.07.2023 and pass appropriate orders on merits and in accordance with law, within a period of one month from the date of receipt of copy of this order.

5. With the above directions, the writ petition is disposed of at the admission stage itself. Consequently connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

04.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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