



W.P.No.28601 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2023

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.No.28601 of 2023

and

W.M.P.No.28149 of 2023

N.Dhanasekaran

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Highways Department,
Fort St.George, Chennai.
2. The Collector of Kancheepuram District,
Office of the Collector of Kancheepuram,
Kancheepuram.
3. The Tahsildar,
Office of the Tahsildar Sriperubudur Taluk,
Sriperubudur, Kancheepuram District.
4. The Chief Engineer,
The Tamil Nadu Highways,
The Chennai-Kanyakumari Industrial
Infrastructure Planning,
HRS Campus, Guindy,
Chennai – 600 025.



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5. The Special Deputy Collector (LA),
The Urban Development Scheme III,
Poonamallee,
Chennai – 600 056.
6. The Special District Revenue Officer (LA),
Highways Department,
Metropolitan Division,
Alandur,
Chennai – 16.
7. The Special District Revenue Officer,
(Land Acquisition),
The Chennai-Kanyakumari Industrial
Infrastructure Planning Kancheepuram,
Kancheepuram.
8. The Special Tahsildar (Land Acquisition),
Land Acquisition and Administration,
Tambaram, Chengalpattu.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ in the form of Certiorarified Mandamus or any other writ or order in the nature of writ of Certiorarified Mandamus, in calling for the records of the respondents entirety of the proceedings of acquisition initiated by the respondents for the expansion of the Kodambakkam-Sriperumbudur Road at Thirunageswaram village, Kundrathur taluk, Kancheepuram District, under the Tamil Highways Act 2001 in terms of (i) notice under Section 15(2) dated 20.12.2007 in Na.Ka.No.31766/2007F2 by the third respondent, (ii) notice under



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section 19(2) dated 26.10.2015 in Na.Ka.No.3354/2015/F1, by the 5th respondent, (iii) notice under section 19(2) dated 08.01.2016 in Na.Ka.No.3354/2015/F1, by the 5th respondent, (iv) notice under section 19(5) and section 19(7) dated 12.07.2023 in Na.Ka.No.1119/2022/A4 issued by the 7th and 8th respondents and quash the same and consequently direct the respondents from any manner hindering or interfering with the possession of the petitioner in respect of the property being house ground and premises comprising ground floor and first floor situated at Door No.20, Thulukka street, comprised in Old Survey No.124/2(part), Re-survey No.151/97, of an extent of 36 ft x 41 ½ feet in all of an extent of 1494 sq.ft situated on the North of the Thulukkan Street, Thirunageswaram village, Kundrathur Taluk, Kancheepuram District.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.P.Gurunathan
Additional Government Pleader

ORDER

The petitioner has come forward with this writ petition praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of acquisition initiated by the respondents with regard to the expansion of National Highway.



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2. It is submitted by the learned counsel for the petitioner that acquisition proceedings was initiated by the respondents in the year 2007 itself. Notification has also been issued for the purpose of widening the bypass road. After the Notification, the respondents are not allowing the petitioner to use the land. Though the respondents have been issuing notice invariably again and again, no final award has been passed by them till now. Learned counsel for the petitioner seeks suitable direction to the respondents to fix the market rate to the property as on date.

3. Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents and perused the materials available on record.

4. It is seen that the respondents have issued notification for acquisition of land to widen the Highways under Tamil Nadu Highways Act on 20.12.2007. From 2007 till date, the proceedings has not attained finality. Neither final order has been passed by the respondents nor they have specified any reason for the delay. The respondents should not



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keep the proceedings pending without any valid reason. Hence, this Court directs the 8th respondent, who is the competent authority to pass final award, after giving opportunity to the petitioner and also after completing all the procedures in accordance with law, within a period of one month preferably on or before 09.11.2023. The petitioner is also directed to extend his fullest cooperation to the competent authority to enable them to comply with the direction of this Court.

5. With the abovesaid direction, Writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

6. Post the matter for reporting compliance on 15.11.2023.

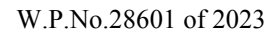
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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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