



WEB COPY

W.P. No.29128 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.29128 of 2023 and
W.M.P. Nos.28734 and 28735 of 2023

R.Anbalagan

... Petitioner

Vs.

1. The Chief General Manager
Chennai Region
National Highways Authority of India
Chennai
2. The Project Director
Project Implementation Unit
No.54, I Floort, Natarajapuram North Colony,
Medical college Road,
Thanjavur - 613 004
3. The District Collector
Collectorate
Ariyalur District
Ariyalur
4. The District Revenue Officer
Land Acquisition for National Highways
Collectorate
Ariyalur District
5. The Revenue Divisional Officer
Office of the RDO
Udayarpalayam
Ariyalur District



6. The Special Tahsildar
Land Acquisition for National Highways
Jayankondam
Ariyalur District

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of writ of certiorarified mandamus to call for records pertaining to the proceedings passed in Na Ka No.A1/112/2012 dated 04.09.2023 by the 5th respondent and to set aside the same and consequently direct the respondents not to proceed further in the unlawful acquisition of land as envisaged.

For Petitioner : Mr.K.M.Subrahmaniam

For Respondents : Mr.Su.Srinivasan
Standing Counsel for NHAI for R1 and R2
Mr.V.Veluchamy
Additional Government Pleader for R3 to R6

Mr.A.Sundaravadhanan, Advocate Commissioner

ORDER

This Writ Petition is filed seeking a writ of certiorarified mandamus to call for records pertaining to the proceedings passed in Na Ka No.A1/112/2012 dated 04.09.2023 by the 5th respondent and to set aside the same and consequently direct the respondents not to proceed further in the unlawful acquisition of land as envisaged.



2. When the matter came up before this Court on 06.10.2023, Mr.A.Sundaravadhanan, Advocate was appointed as Advocate Commissioner. The respondents were directed to survey the land in the presence of the learned Advocate Commissioner along with the help of a qualified Surveyor of State as well as the National Highways and the Advocate Commissioner was directed file final report on or before 18.10.2023.

3. Accordingly, the learned Advocate Commissioner has filed the report, which shows that still some of the portions of the house of the petitioner are within the boundaries of the Highways. Now, the Highways Department is taking possession of the encroachments. The petitioner who has put up construction, seeks time for removing the encroached portion by himself with his own expenses to avoid further damaging of his house building. His request is reasonable.

4. Therefore, time is granted to the petitioner to remove the encroachments on or before 09.11.2023.



5. With the above directions, the writ petition is dismissed.

Consequently, connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

18.10.2023

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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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