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W.P.No.30021 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.12.2023

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

**W.P.No.30021 of 2023 and
W.M.P.Nos.29642 of 2023**

N.Riyazudeen

... Petitioner

Versus

1. The Principal Secretary/
Commissioner of Land Administration (FAC)
Land Administration Department,
2nd Floor, Ezhilagam, Chepauk,
Chennai – 600 005.
2. The District Collector,
Chennai District,
Singaravelar Maligai, Rajaji Salai,
Chennai – 600 001.
3. The Special District Revenue Officer (LA),
Highways Department, Metro Wing,
76/2, Sardar Patel Road,
HRS Complex, Guindy,
Chennai – 600025
4. The Special Tahsildar (LA),
Tamilnadu Urban Development Scheme,
Chennai Unit, Metro Wing,
Poonamallee at Alandur,
Chennai – 600016.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, forbearing the respondents from carrying out any road expansion work in the portion of the property of the petitioner comprised in new survey No.164/20 Palavakkam Village, Sholinganallur Taluk, Chennai District admeasuring 5145 square feet (478 square meter) for the purpose of widening and strengthening of Tiruvanmiyur to Akkarai Road except by adhering to issue acquisition notification U/s 15(1) of the Tamil Nadu Highways Act and grant compensation thereof.

For Petitioner : Mr.C.K.M.Appaji

For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed to restrain the respondents from carrying out any road expansion work in the portion of the property of the petitioner comprised in new survey No.164/20 Palavakkam Village, Sholinganallur Taluk, Chennai District.

2 Learned counsel appearing for the writ petitioner would submit that the first respondent issued notification under Section 15(1) of Tamil Nadu Highways Act, 2001, dated 24.02.2021, wherein it was decided to acquire the



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land admeasuring 2418 square meters for widening and strengthening Tiruvanmiyur to Akkari Road. Even though petitioner's land in S.No.77/1 New Survey No.164/20, Palavakkam Village, Sholinganallur Taluk, Chennai District, is situated in the middle of the road side of the acquired lands, it is not reflected in the notification issued and when the petitioner approached the respondents, they informed him that the same will be rectified. But, even after a long period, the respondents have not taken any action to award compensation for the acquisition of the land comprised in New Survey no.164/20 in Palavakkam Village. Therefore the present writ petition has been filed.

3 Learned Additional Government Pleader appearing for the respondents would submit that the lands in S.No. 164/19 only acquired and the lands in S.No.164/20 was not at all acquired and hence the same was not reflected in the notification issued. Therefore, when the lands itself was not acquired, the question of passing award would not arise.

4 Heard the learned counsel for the petitioner and the learned Additional Government Pleader for respondents.



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It is the grievance of the petitioner that his land in S.No.164/20 is situated in the middle of the acquired lands, but there was no award passed till date. In the counter filed by the third respondent it is seen that they have clearly stated that the lands in S.No.164/19 only acquired and the lands in S.No.164/20 was not acquired and if the same is required, provisions enshrined in the Tamil Nadu Highways Act, 2001 will scrupulously be followed.

6 Therefore since the respondents have not acquired the lands of the petitioner situated in S.No.164/20, the petitioner is not entitled for the relief sought for in the writ petition.

7 Accordingly the writ petition stands dismissed. Consequently connected miscellaneous petition is closed. No costs.

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Index: Yes/No
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P.VELMURUGAN, J.,

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