



WEB COPY

W.P. No.32195 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.32195 of 2023

and

W.M.P. No.31797 of 2023

K.Z.Jalaludeen

... Petitioner

Vs.

1. Indian National Highways Department
Project Enforcement Division-Dindigul
Plot No.1, Iswaryam High Road,
Indra Nagar
Chennamanaickenpatti Post
Kodikombu Road,
Dindigul - 624 004
2. Special Tahsildar
(Land Acquisition-National Highways-209)
Office of the District Collector
Coimbatore - 641 018
3. Special Tahsildar
(Land Acquisition -National Highways-209)
Arutchelvar Nagar
Udumalai Road
Vunjavelampatti
Pollachi - 642 003

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus to call for the records pertaining to the communication dated 23.03.2023 in proceeding NHAI/PIU/DGL/L.A/NH-209/2023/676 issued by the 1st respondent, quash the same, consequently direct the 1st respondent not to block the 30 feet road situated in the housing plots layout by name "New Vasantham Garden-Phase-1 comprised in S.F.No.125 at Komangalam Pudur Village, Pollachi Taluk, Coimbatore District.

For Petitioner : Mr.C.D.Sugumar

For Respondents : Mr.V.Veluchamy

Additional Government Pleader
for R2 and R3

Mr.Su.Srinivasan

Standing Counsel for NHAI for R1

ORDER

This Writ Petition is filed seeking for a writ of Certiorarified Mandamus to call for the records pertaining to the communication dated 23.03.2023 in proceeding NHAI/PIU/DGL/L.A/NH-209/2023/676 issued by the 1st respondent and quash the same, consequently direct the 1st



respondent not to block the 30 feet road situated in the housing plots layout by name "New Vasantham Garden-Phase-1" comprised in S.F.No.125 at Komangalam Pudur Village, Pollachi Taluk, Coimbatore District.

2. The contention of the petitioner is that the petitioner and his friend M.S.Jawardeen had purchased an extent of 3.21 acres of land comprised in S.No.125 situated in Somangalam Pudur Villae, Coimabatore District as per the sale deed No.3080/2021 from one Jagannathan and others. Further, they purchased the S.No.192, 193/1,3, 123/1,2,3 which are adjacent to S.No.125 and developed 577 housing plots and sold most of the plots. In order to reach the said housing sites from Pollachi -Udumalpet Road from East to West, a 30 feet road was formed and the said road is the only access to the said 577 housing sites formed by the petitioner. While so, the 3rd respondent issued a notice dated 27.09.2021 through Print Media that the Government is proceeding for acquisition of land and also started constructing a Toll Plaza by appropriating the 30 feet breadth road, which is the only way for ingress and egress of the land owners who purchased individual plots from the petitioner. The petitioner made a detailed representation dated 15.03.2023 to all the respondents herein requesting to stop the construction work being carried out in the said land and to ensure that the construction is being made



without block the above said 30 feet road. However, instead of addressing the issue of blocking of the 30 feet road, the 1st respondent through his communication dated 23.03.2023, has stated that the compensation amount for the above said land has been deposited in the office concerned and the petitioner can make use of the same by proving the identification and completing the formalities. Since the said 30 feed road is the only access to the said plots, the present construction being carried out by the Highways Authorities blocking the exiting 30 feed road, has to be stopped at once and the 30 feet road has to be restored. Hence, the present writ petition is filed.

3. Heard and perused the materials available on record.

4. It is seen that the petitioner has formed the said lay out without getting approval from the appropriate authorities. Therefore, he is not entitled to get the relief sought for in this petition under Article 226 of the Constitution of India.



5. Accordingly, the writ petition is dismissed at the admission stage itself. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs. However, the petitioner is at liberty to take appropriate steps to get approval and work out his remedy in the manner known to law.

10.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

To

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