



W.P.No.16879, 17717, 17718 and 17719 of 2013
and Suo-Motu Cont.P.No.2776 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Orders Reserved on : 29.01.2024

Orders Pronounced on: 30.04.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.16879, 17717, 17718 and 17719 of 2013

and

Suo-Motu Cont.P.No.2776 of 2023

and

M.P.No.1 of 2023 (2 cases) and M.P.No.2 of 2013 (2 cases)

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1. P.Padmanahan

2. D.Geetha

3. D.Vijayaraj

4. D.Sivaraj

5. D.Mohanraj

6. A.Ponraja

7. A.Sivamurugaraja

8. A.Thangadurai

9. Neelavathi

10. Kavitha

11. Karthik

.. Petitioners in W.P.No.16879 of 2013

Adambakkam Karikalan (Vellalar) Street

Residents Welfare Association,

Rep. by its President P.G.Sekar,

havinig office at No.4/71, Karikalan (Vellalar) Street,

Adambakkam, 600 088.

.. Petitioner in W.P.Nos.17717, 17718 and 17719 of 2013

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W.P.No.16879, 17717, 17718 and 17719 of 2013
and Suo-Motu Cont.P.No.2776 of 2023

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Vs.

1. State of Tamil Nadu,
Rep. by Secretary to Government,
Highways and Minor Port Department,
Fort St.George, Chennai-600 009.
2. The Special Deputy Collector (LA),
Tamil Nadu Urban Development Project,
Poonamallee, Chennai-600 056.
3. The Chief Engineer (Metro),
Chennai Metropolitan Development Project,
Highways Department,
Alandur, Chennai-600 016.
4. The Divisional Engineer (Highways),
Chennai Metropolitan Development Project Division-I,
Guindy, Chennai-600 032.
.. Respondents in W.P.Nos.16879, 17717, 17718 and 17719 of 2013

High Court of Madras, Madras-600 104.
.. Petitioner in Suo Motu Contempt Petition No.2776 of 2023

Vs.

The Special Deputy Collector (LA),
Tamilnadu Urban Development Project,
Poonamallee, Chennai.
.. Respondent in Suo Motu Contempt Petition No.2776 of 2023



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W.P.No.16879 of 2013 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records issued under Section 15(1) of the Tamil Nadu Highways Act in relating to G.O.Ms.No.117, Highways and Minor Ports (HW-II), dated 27th June 2012 as published in Tamil Nadu Government Gazette No.28, Part-II, Section 2, dated 18th July 2012 on the file of the first respondent approving notice in reference Na.Ka.403/2007/B1, dated 26.11.2009 issued to the petitioners under Section 15(2) issued under the Tamil Nadu Highways Act 34 of 2002 and consequent notice in reference in Na.Ka.403/2007/B1, dated 27.03.2013 issued under Section 19(3) and 19(4) of the Tamil Nadu Highways Act and notice in reference Rc.403/2007/B1, dated 28.03.2013 issued to the petitioners under Section 16(2) of the Tamil Nadu Highways Act on the file of the second respondent and quash the same and forbear the second respondent from taking possession of the lands in the subject matter of the above notices.

W.P.No.17717 of 2013 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records issued under Section 15(1) of the Tamil Nadu Highways Act in relating to G.O.Ms.No.117, Highways Minor Ports (HW-II), dated 27.06.2012 as published in Tamil Nadu Government Gazette, Part-II - Section 2, dated 18.07.2012 on the file of the first respondent approving notice dated 26.11.2009 under Section 15(2) issued under Tamil Nadu Highways Act 34 of 2002 and consequent notice in reference in Na.Ka.403/2007/B, dated 27.03.2013 issued under Section 19(3) and 19(4) of the Tamil Nadu Highways Act and notice in reference Rc.403/2007/B1, dated 28.03.2013 issued under Section 16(2) of the Tamil Nadu Highways Act on the file of the second respondent and quash the same and

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forbear the second respondent from taking possession of the lands in the subject matter of the above notices.

W.P.No.17718 of 2013 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records issued under Section 15(1) of the Tamil Nadu Highways Act in relating to G.O.Ms.No.166, Highways Minor Ports (HW-II), dated 04.10.2012 as published in Tamil Nadu Government Gazette No.42, Part-II - Section 2, dated 31.10.2012 on the file of the first respondent approving earlier notices under Section 15(2) issued under the Tamil Nadu Highways Act 34 of 2002 and consequent notice in reference in Na.Ka.412/2007/B, dated 27.03.2013 issued under Sections 19(3) and 19(4) of the Tamil Nadu Highways Act and notice in reference Rc.412/2007/B1, dated 27.03.2013 issued under Section 16(2) of the Tamil Nadu Highways Act on the file of the second respondent and quash the same and forbear the second respondent from taking possession of the lands in the subject matter of the above notices.

W.P.No.17719 of 2013 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records issued under Section 15(1) of the Tamil Nadu Highways Act in relating to G.O.Ms.No.166, Highways Minor Ports (HW-II), dated 04.10.2012 as published in Tamil Nadu Government Gazette No.42, Part-II - Section 2, dated 31.10.2012 on the file of the first respondent approving notices dated 27.12.2011 under Section 15(2) issued under the Tamil Nadu Highways Act 34 of 2002 and consequent notices in reference in Na.Ka.412/2007/B, dated 27.03.2013 issued under Sections 19(3) and 19(4) of the Tamil Nadu Highways Act and notice in reference Rc.412/2007/B1, dated 27.03.2013 issued under Section 16(2) of the Tamil Nadu

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Highways Act on the file of the second respondent and quash the same and
forbear the second respondent from taking possession of the lands in the subject
matter of the above notices.

Suo Motu Contempt Petition No.2776 of 2023 and proceedings initiated
against the contemnor herein as per the common order of this Court, dated
06.11.2023 made in W.P.Nos.16879, 17717, 17718 and 17719 of 2013 and
M.P.Nos.1 and 2 of 2013 in W.P.No.16879 of 2013 and M.P.Nos.1 and 2 of 2013
in W.P.Nos.17718 and 17719 of 2013 and M.P.No.1 of 2013 in W.P.No.17717 of
2013.

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For petitioners in all the Writ Petitions: Mr.J.R.K.Bhavanantham

For respondents in all the Writ Petitions:

Mr.J.Ravindran, Addl. Advocate General, assisted by

Mrs.V.Yamunadevi, Spl.G.P. for respondents in all Writ Petitions

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COMMON ORDER

W.P.No.16879 of 2013 filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Certiorarified Mandamus to call for the records
issued under Section 15(1) of the Tamil Nadu Highways Act in relating to
G.O.Ms.No.117, Highways and Minor Ports (HW-II), dated 27th June 2012 as
published in Tamil Nadu Government Gazette No.28, Part-II, Section 2, dated
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18th July 2012, on the file of the first respondent approving notice in reference Na.Ka.403/2007/B1, dated 26.11.2009 issued to the petitioners under Section 15(2) issued under the Tamil Nadu Highways Act 34 of 2002 and consequent notice in reference in Na.Ka.403/2007/B1, dated 27.03.2013 issued under Sections 19(3) and 19(4) of the Tamil Nadu Highways Act and notice in reference Rc.403/2007/B1, dated 28.03.2013 issued to the petitioners under Section 16(2) of the Tamil Nadu Highways Act on the file of the second respondent and quash the same and forbear the second respondent from taking possession of the lands in the subject matter of the above notices.

2. W.P.No.17717 of 2013 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records issued under Section 15(1) of the Tamil Nadu Highways Act in relation to G.O.Ms.No.117, Highways Minor Ports (HW-II), dated 27.06.2012 as published in Tamil Nadu Government Gazette, Part-II - Section 2, dated 18.07.2012 on the file of the first respondent approving notice dated 26.11.2009 under Section 15(2) issued under Tamil Nadu Highways Act 34 of 2002 and consequent notice in reference in Na.Ka.403/2007/B, dated 27.03.2013 issued under Sections 19(3) and 19(4) of the Tamil Nadu Highways Act and notice in reference Rc.403/2007/B1, dated 28.03.2013 issued under Section 16(2) of the Tamil Nadu



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Highways Act on the file of the second respondent and quash the same and forbear the second respondent from taking possession of the lands in the subject matter of the above notices.

3. W.P.No.17718 of 2013 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records issued under Section 15(1) of the Tamil Nadu Highways Act in relation to G.O.Ms.No.166, Highways Minor Ports (HW-II), dated 04.10.2012 as published in Tamil Nadu Government Gazette No.42, Part-II - Section 2, dated 31.10.2012 on the file of the first respondent approving earlier notices under Section 15(2) issued under the Tamil Nadu Highways Act 34 of 2002 and consequent notice in reference in Na.Ka.412/2007/B, dated 27.03.2013 issued under Sections 19(3) and 19(4) of the Tamil Nadu Highways Act and notice in reference Rc.412/2007/B1, dated 27.03.2013 issued under Section 16(2) of the Tamil Nadu Highways Act on the file of the second respondent and quash the same and forbear the second respondent from taking possession of the lands in the subject matter of the above notices.

4. W.P.No.17719 of 2013 is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the



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records issued under Section 15(1) of the Tamil Nadu Highways Act in relation to G.O.Ms.No.166, Highways Minor Ports (HW-II), dated 04.10.2012 as published in Tamil Nadu Government Gazette No.42, Part-II - Section 2, dated 31.10.2012 on the file of the first respondent approving notices dated 27.12.2011 under Section 15(2) issued under the Tamil Nadu Highways Act 34 of 2002 and consequent notices in reference in Na.Ka.412/2007/B, dated 27.03.2013 issued under Sections 19(3) and 19(4) of the Tamil Nadu Highways Act and notice in reference Rc.412/2007/B1, dated 27.03.2013 issued under Section 16(2) of the Tamil Nadu Highways Act on the file of the second respondent and quash the same and forbear the second respondent from taking possession of the lands in the subject matter of the above notices.

5. Suo Motu Contempt Petition No.2776 of 2023 proceedings initiated against the contemnor herein as per the common order of this Court, dated 06.11.2023 made in W.P.Nos.16879, 17717, 17718 and 17719 of 2013 and M.P.Nos.1 and 2 of 2013 in W.P.No.16879 of 2013 and M.P.Nos.1 and 2 of 2013 in W.P.Nos.17718 and 17719 of 2013 and M.P.No.1 of 2013 in W.P.No.17717 of 2013.

6. Facts in W.P.No.16879 of 2013:

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(a) The petitioners herein are the residents of Eastern side of Vellalar (Karikalan) Street, Adambakkam, Chennai-600 088, which is vested with Alandur Municipality. The second respondent, on 19.08.2008, bench-marked at distance of 4 meters from compound wall on either of Vellalar Street, contemplated to lay four lane within the width of 15 meters of Vellalar (Karikalan) Street, Adambakkam, Chennai.

(b) Thereafter, the second respondent issued notice in reference Na.Ka.No.403/2007/B1, dated 26.11.2009 under Section 15(2) of the Tamil Nadu Highways Act, intimating that the land(s) in schedule thereunder, are required for the purpose of strengthening by widening of Mount-Madipakkam Road from two lane way into four lane way at Block-12, 13 and 14, Alandur Village Ward - G, Tambaram Taluk, Kancheepuram District. In respect of the notice under Section 15(2) of the Tamil Nadu Highways Act, and the same was also published in daily "Dinakaran" on 03.12.2009, the petitioners submitted written objection on 06.01.2010 against acquisition. The fourth respondent sent a letter dated 08.02.2010 in Ref.No.69/2007-2008/AE/CMDP - intimated and assured that the said 500 meters of Vellalar (Karikalan) Street, will be maintained as 2--lane Street as it is existing.

(c) Thereafter, the second respondent issued notice, dated 27.12.2011 in reference in Na.Ka.412/2007/B1 under Section 15(2) of the Tamil Nadu



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Highways Act to the residents of the Western row of the Vellalar Street, intimating the interested persons that the land(s) lying within the Ward-E, Block-5, is required for widening Mount-Madipakkam two-lane Road, for conversion into 4-lane Road.

(d) On 24.01.2012, the petitioners and other owner of Eastern row of the Vellalar Street, appeared along with the other interested persons of Western row of the houses in the Vellalar Street, before the second respondent and submitted their written objections.

(e) The fourth respondent sent a letter dated 21.02.2012 in Ref.No.158/2012/MM Salai/JDO, admitting the earlier Letter No.69/2007-2008/AE/CMDP, dated 08.02.2010 assuring to maintain 500 meters of Vellalar Street to be maintained as two-way lane, but revising the said decision, stating that the land(s) required for conversion of Mount-Madipakkam Road from two-way Road into 4-lane Road, have been in progress and that it includes all the houses, shops and Temples.

(f) On 18.07.2012, by G.O.Ms.No.117, Highways and Minor Ports (HW-II) Department, dated 27.06.2012, as published in Tamil Nadu Government Gazette No.28, Part-II, Section 2, approving notice in reference Na.Ka.403/2007/B1, dated 26.11.2009, issued to the petitioners under Section 15(2), issued under the Tamil Nadu Highways Act 34 of 2002.

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(g) The second respondent, on 03.04.2013, served notice dated 27.03.2013 in reference Na.Ka.No.403/2007/B under Sections 19(2) and 19(3) of the Act 34 of 2002 and notice, dated 28.03.2013 in reference Rc.403/2007/B1, under Section 16(2) of the Tamil Nadu Highways Act.

(h) The Superintending Engineer (Highways), CMDP Circle, Nandanam, Chennai-32, by letter dated 21.05.2013, Letter No.842/2013/MM Salai/JDO that Mount-Madipakkam Road, is a Major District Road (MDR) stretching to a distance of 9.10 km and that as per Indian Road Congress (IRC) No.22 meters are required for laying of four-lane together with drain water channel and minimum breadth centre median and that 15 meters of width is not suitable for four-lane as per the IRC.

7. Facts in W.P.No.17717 of 2013: On 19.08.2008, the second respondent bench-marked at distance of 4 meters from compound wall on either of Vellalar Street contemplated to lay four-lane within the width of 15 meters of Vellalar (Karikalan) Street, Adambakkam, Chennai. The second respondent issued notice in Reference Na.Ka.No.403/2007/B1, dated 26.11.2009, under Section 15(2) of the Tamil Nadu Highways Act, intimating that the lands in schedule there-under are required for the purpose of strengthening by widening of Mount-Madipakkam Road from two-lane way into four-lane way at Block-12,



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13 and 14, Alandur Village, Ward-G, Tambaram Taluk, Kancheepuram District.

The notice under Section 15(2) of the Tamil Nadu Highways Act, was published in daily "Dinakaran" on 03.12.2009. The petitioner-Association sent written objections on 06.01.2010 against the acquisition process. On 08.02.2010, letter was sent by the fourth respondent in Ref.No.69/2007-2008/AE/CMDP - intimated and assured that the said 500 meters of Vellalar (Karikalan) Street will be maintained as 2-lane street as it is existing. The second respondent issued notice on 27.12.2011 in reference in Na.Ka.412/2007/B1 under Section 15(2) of the Tamil Nadu Highways Act to the residents of the Western row of the Vellalar Street intimating the interested persons that the land(s) lying within the Ward-EE, Block-5 is required for widening Mount-Madipakkam two-lane road, for conversion into 4-lane road. Thereafter, on 24.01.2012, the petitioner and other owner of Eastern row of the Vellalar Street appeared along with the other interested persons of Western row of the houses in the Vellalar Street, before the second respondent and submitted their written objection. The letter dated 21.02.2012 was sent by the fourth respondent in Ref.No.158/2012/MM Salai/JDO/dated 21.02.2012 admitting the earlier Letter No.69/2007-2008/AE/CMDP/dated 08.02.2010, assuring to maintain 500 meters of Vellalar Street, to be maintained as two-way lane, but revising the said decision stating that, the lands required for conversion of Mount-Madipakkam Road from two-



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way road into 4-lane road have been in progress and that it includes all the houses, shops and Temples. The Tamil Nadu Government Gazette No.28 Part-II, Section-II, was issued on 18.07.2012. Thereafter, notice dated 27.03.2013 was issued by the second respondent on 03.04.2013 in reference Na.Ka.No.403/2007/B under Sections 19(2) and 19(3) of the Act 34 of 2002. Notice dated 28.03.2013 was issued by the second respondent on 03.04.2013 in reference Rc.403/2007/B1, under Section 16(2) of the Tamil Nadu Highways Act. Letter in No.842/2013/MM Salai/JDO, dated 21.05.2013 was issued from Superintendent Engineer (Highways), CMDP Circle, Nandanam, Chennai-32 intimating that Mount-Madipakkam Road is a Major District Road (MDR), stretching to a distance of 9.10 KM and that as per IRC.22 meters are required for laying four-lane together with drain water channel and minimum breadth centre median and that 15 meters of width is not suitable for four-lane as per IRC.

8. Facts in W.P.No.17718 of 2013: The members of the petitioner/Association are the residents of Western side of Vellalar (Karikalan) Street, Adambakkam, Chennai-600 088, which is vested with Alandur Municipality. The second respondent, on 19.08.2008, bench-marked at distance of 4 meters from compound wall on either of Vellalar Street contemplated to lay



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four-lane within the month of 15 meters of Vellalar (Karikalan) Street, Adambakkam, Chennai. The second respondent issued notice in reference Na.Ka.403/2007/B1, dated 26.11.2009, under Section 15(2) of the Tamil Nadu Highways Act, intimating that the lands in schedule there-under, are required for the purpose of strengthening by widening of Mount-Madipakkam Road (Eastern side of Vellalar (Karikalan) Street) from two-lane way into four-lane way at Block-12, 13 and 14, Alandur Village Ward-G, Tambaram Taluk, Kancheepuram District. On 06.01.2010, petitioner-Association along with Eastern side residents, submitted written objection against acquisition. The fourth respondent sent a letter dated 08.02.2010 in Ref.No.69/2007-2008/AE/CMDP - intimated and assured that the said 500 meters of Vellalar (Karikalan) Street will be maintained as 2-lane Street as it is existing. The second respondent issued notice, dated 27.12.2011 in reference in Na.Ka.412/2007/B1 under Section 15(2) of the Tamil Nadu Highways Act, to the residents of the Western row of the Vellalar Street, intimating the interested persons that the lands lying within the Ward-E, Block-5, is required for widening Mount-Madipakkam two-lane road, for conversion into 4-lane Road. On 24.01.2012, the petitioners and other owner of Eastern row of the Vellalar Street, appeared along with the other interested persons of Western row of the houses in the Vellalar Street, before the second respondent and submitted their written objection. The fourth respondent, thereafter, sent a letter dated



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21.2.2012 in Ref.No.158/2012/MM Salai/JDO/dated 21.02.2012, admitting the earlier Letter No.69/2007-2008/AE/CMDP/dated 08.02.2010, assuring to maintain 500 meters of Vellalar Street to be maintained as two-way lane, but revising the said decision stating that the land(s) required for conversion of Mount-Madipakkam Road from two-way road into 4-lane road, have been in progress and that it includes all the houses, shops and Temples. On 04.10.2012, G.O.Ms.No.166, Highways and Minor Ports (HW-II) was issued and as published in Tamil Nadu Government Gazette No.42, Part-II, Section 2, dated 31.10.2012, approving notice in reference Na.Ka.412/2007/B1, dated 27.12.2011, issued to the petitioners under Section 15(2) issued under the Tamil Nadu Highways Act 34 of 2002. The second respondent then served notice dated 27.03.2013 in reference Ref.Na.Ka.No.412/2007/B under Sections 19(2) and 19(3) of the Act 34 of 2002 and notice in reference Rc.412/2007/B1, under Section 16(2) of the Tamil Nadu Highways Act. The Divisional Engineer (Highways), CMDP, Division-I, Chennai-32, by letter dated 27.05.2013, Letter No.MM.Salai/2012/CMPD/JDO that Mount-Madipakkam Road, is a Major District Road (MDR) stretching to a distance of 9.10 K M and that as per the IRC 22, meters are required for laying four-lane together with drain water channel and minimum breadth centre median and that 15 meters of width is not suitable for four-lane as per the IRC.



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9. Facts in W.P.No.17719 of 2013:

The petitioners are the residents of Western side of Vellalar (Karikalan) Street, Adambakkam, Chennai-600 088, which is vested with Alandur Municipality. The second respondent, on 19.08.2008, bench-marked at distance of 4 meters from compound wall on either Vellalar Street, contemplated to lay four-lane within the width of 15 meters of Vellalar (Karikalan) Street, Adambakkam, Chennai. The second respondent issued notice in reference Na.Ka.403/2007/B1, dated 26.11.2009 under Section 15(2) of the Tamil Nadu Highways Act, intimating that the lands in schedule there-under are required for the purpose of strengthening by widening of Mount-Madipakkam Road (Eastern side of Vellalar (Karikalan) Street) from two-lane way into four-lane way at Block-12, 13 and 14, Alandur Village Ward-G, Tambaram Taluk, Kancheepuram District. On 06.01.2010, the petitioners, along with Eastern side residents, submitted written objection against acquisition. The fourth respondent sent a letter dated 08.02.2010 in Ref.No.69/2007-2008/AE/CMDP - intimated and assured that the said 500 meters of Vellalar (Karikalan) Street, will be maintained as 2-lane Street, as it is existing. The second respondent issued notice dated 27.12.2011 in reference in Na.Ka.412/2007/B1, under Section 15(2) of the Highways Act, to the residents of the Western row of the Vellalar Street, intimating the interested



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persons that the land(s) lying within the Ward-E, Block-5 is required for widening Mount-Madipakkam two-lane Road, for conversion into 4-lane Road. On 24.01.2012, the petitioner and other owners of Eastern row of the Vellalar Street, appeared along with the other interested persons of Western row of the houses in the Vellalar Street, before the second respondent and submitted their written objection. The fourth respondent sent a letter dated 21.02.2012 in Ref.No.158/2012/MM Salai/JDO/dated 21.02.2012, admitting the earlier letter in Letter No.69/2007-2008/AE/CMDP/dated 08.02.2010, assuring to maintain 500 meters of Vellalar Street, to be maintained as two-way lane, but revising the said decision stating that, the land(s) required for conversion of Mount-Madipakkam Road from two-way road into 4-lane road, have been in progress and that it includes all the houses, shops and Temples. On 04.10.2012, G.O.Ms.No.166, Highways and Minor Ports (HW-II), was issued and published in Tamil Nadu Government Gazette No.42, Part-II, Section 2, dated 31.10.2012, approving notice in reference Na.Ka.412/2007/B1, dated 27.12.2011 issued to the petitioners under Section 15(2) of the Tamil Nadu Highways Act 34 of 2002. Thereafter, the second respondent served notice dated 27.03.2013 in reference Ref.Na.Ka.412/2007/B1, under Sections 19(2) and 19(3) of the Act 34 of 2022 and notice in reference Rc.412/2007/B1 under Section 16(2) of the Tamil Nadu Highways Act. Subsequently, the Divisional Engineer (Highways), CMDP,



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Division-I, Chennai-32, by letter dated 27.05.2013, Letter No.M.M.Salai/2012/CMPD/JDO stated that Mount-Madipakkam Road is a Major District Road (MDR) stretching to a distance of 9.10 kms. and that as per the IRC, 22 meters are required for laying four-lane together with drain water channel and minimum breadth centre median and that 15 meters of width is not suitable for four-lane as per IRC.

10. Counter affidavit in W.P.No.16879 of 2013:

(a) Government in their Order No.229, Highways (HW-1) Department, dated 14.11.2005 had accorded administrative sanction for widening and strengthening of Mount-Madipakkam Road from two-lane to four-lane under Chennai Metropolitan Development Project. The work relating to the land acquisition for the above project is entrusted to the respondents. On requisition for acquisition of lands from the Divisional Engineer (H), Chennai Metropolitan Development Project, Division-I, a detailed survey was made and it was decided to acquire an extent of 1621 square meters of Patta lands in Adambakkam Village (Ward G, Block 12, 13, 14) Alandur Taluk, Kancheepuram District. Accordingly, as per powers delegated to Special Deputy Collector (LA) in G.O.Ms.No.224, Highways and Minor Ports (HW-2) Department, dated 05.09.2007 and Government Letter No.21471/HW-2/2007-1, dated 07.01.2008,



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public notice under Section 15(2) of the Tamil Nadu Highways Act, was published. The persons interested in the land(s) were required to appear before the Special Deputy Collector (LA), Tamil Nadu Urban Development Project-III, Poonamallee, Chennai-56 and express their objections and the public notice under Section 15(2) was published in two dailies and the gist of the Notification was published in the localities as per the Tamil Nadu Highways Rules, as detailed below for acquisition of the land(s) in question.

1. Dailies Tamil (Dinakaran) : 03.12.2009
English (The New Indian Express): 03.12.2009
2. Village Administrative Office : 01.12.2009
3. Taluk Office, Alandur : 02.12.2009
4. Office of the Divisional Engineer(H)
Chennai Metropolitan Development
Project,
Division -I, Chennai-32 : 02.12.2009
5. Necessary enquiry
under Section 15(2) was
conducted on : 06.01.2010.

(b) After completion of enquiry and remarks offered by the requisition Department, proposals for Notification under Section 15(1) of the Act was sent to



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Government for approval. After careful consideration, the Government approved the Notification in their order in G.O.Ms.No.117, Highways and Minor Ports (HW-2) Department, dated 27.06.2012 and the same was published in the Tamil Nadu Government Gazette No.28, Part-II, Section 2, dated 18.07.2012. Based on the provisions of Section 16(1) of the Tamil Nadu Highways Act, necessary notice under Section 16(2) of the Tamil Nadu Highways Act, was served on the land owner(s) to surrender possession of the land(s) acquired from them. Necessary enquiry under Section 19(2) of the Tamil Nadu Highways Act, was conducted on 09.04.2013. On the enquiry date, the land owner(s) had not attended the enquiry and refused to give any statement regarding the land value. Instead, they have submitted petitions requesting to reduce the width of the road from 22 meters to 15 meters. The petitions of the land owners were sent to the requisitioning Department, i.e. the Highways Department, for their remarks. After careful consideration, the Divisional Engineer, Highways Department, had rejected the request of the land owners and requested to proceed further as per the Tamil Nadu Highways Act. The remarks of the Highways Department was communicate to the land owners and also to the first writ petitioner-P.Padmanabhan.

(c) Since the land owners have not attended the enquiry, the attempt to settle the compensation through agreement has not become successful under



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Section 19(2) of the Tamil Nadu Highways Act, for the lands covered under the acquisition. Hence, necessary proposals seeking permission to fix the value of the land to be obtained from the Principal Secretary and Commissioner of Land Administration, Chennai-5, under Section 19(3) of the Tamil Nadu Highways Act, was sent to the District Revenue Officer, Kancheepuram, vide Office Letter R.C.No.403/2007 B1, dated 05.06.2023.

(d) The notice under Section 15(2) of the Tamil Nadu Highways Act, was issued in the name of the Pattadars found in the Town Survey Records. The above notice under Section 15(2) was received by the third petitioner-D.Vijayaraj and sixth petitioner-A.Ponraja and the third petitioner attended the enquiry on 06.01.2010 and the enquiry was attended by the seventh petitioner-A.Sivamurugaraja on 06.01.2010.

(e) The Highways Department has proposed to acquire the land only in the Highway Road, namely Mount-Madipakkam Road (Major District Road No.635) and hence, it does not warrant to declare the said Karikalan Street as State Highways Road or Major District Road as alleged by the petitioner. In this scheme, the proposed four laning work starts at Ch.O/o of Mount-Madipakkam Road, near the St.Thomas Mount Subway. The said Vellalar Street is located from Ch.0/318 to 0/710 of Mount-Madipakkam Road as Major District Road. Accordingly, the land acquisition proposal had been initiated from this location to



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towards Medavakkam.

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(f) As per Section 8, Chapter-III of the Tamil Nadu Highways Act, dealing with "Restriction of Ribbon Development", only in case of restriction of ribbon development, the Highways boundary, building line or control line shall be fixed. In the present scheme of work, the Highways Department decided to acquire the land or property for the purpose of widening two-lane to four-lane and strengthening of Mount-Madipakkam Road as per Sections 15(1) and 15(2), Chapter-IV on 'Acquisition of property'.

(g) The land acquisition in this case is being carried out in Mount-Madipakkam Road (MDR) only for the benefit of public and in the present scheme, the land acquisition is planned to have equal width on either side of the road from the existing centre of the road. Necessary land plan schedules are prepared and acquisition is being carried out. That being the case, the proposed alignment could not be shifted for a small distance on Western side due to technical feasibilities. In the land acquisition proceedings, only the private (Patta) lands were included. In case of Temple land, action is being taken to alienate the said land from Hindu Religious and Charitable Endowments Department. All the lands/structures involved in the proposed acquisition of private land in Mount-Madipakkam Road will be suitably compensated as per the provisions of the Tamil Nadu Highways Act, 2001.



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(h) The Mount-Madipakkam Road passes through Ward-G, Blocks-12, 13, 14, Ward-F, Blocks-9, 13, 14, 15, Ward E-Block 5 and Ward E-Block 16, in Adambakkam Village. For administrative convenience, the land acquisition proceedings are initiated separately for each Ward. Hence, the date for the enquiry under Section 15(2) of the Act, was fixed separately for each Ward.

(i) The public notice under Section 15(2) was published in two dailies, (i) Tamil News Paper Dinakaran on 03.12.2009 and (ii) English News Paper The New Indian Express on 03.12.2009. The public notice was published strictly following the due procedures of the Tamil Nadu Highways Act, 2001 and Tamil Nadu Highways Rules, 2003. Further, the fourth respondent never assured the residents that the Vellalar Street of Mount-Madipakkam Road (Major District Road) 500 m length, will not be converted as four-lane Road. The fourth respondent, in his letter No.69/2007-2008-AE/CMDP/dated 08.02.2010 stated that the said Vellalar Street of Mount Madipakkam Road (Major District Road) 500 m length, will be maintained as two-lane Road at present only. Further during the enquiry under Section 15(2) of the said Act, the land owners submitted petitions against acquisition and requested to maintain the said Karikalan (Vellalar) Street as two-lane. The petitions received from the land owners, was sent to the Divisional Engineer (H) for his remarks. The Divisional Engineer (H), after careful consideration, rejected the request of the land owners



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and requested to proceed further under the said Act.

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(j) In the respondents' letter dated 08.02.2010, it was informed to the President of the Adambakkam Welfare Association that the Vellalar Street of Mount-Madipakkam Road will be maintained as two-lane at present only. It was never informed that the Vellalar Street will not be converted as four-lane road. The public notice under Section 15(2) of the said Act was published in two newspapers on 03.12.2009 and also at Taluk Office, Alandur on 02.12.2009 and the office of the Village Administrative Officer on 01.12.2009 and also at the Office of the Divisional Engineer (H) on 02.12.2009. As per Section 5 of the Tamil Nadu Highways Act, the date for hearing objections was fixed on 06.01.2010 and the date was also communicated in the notice issued under Section 15(2). The objections tendered by the land owners on and before 06.01.2010, i.e. on the date of enquiry, were forwarded to the Requisition Department, i.e. the Highways Department, for their remarks. The Highways Department, after due consideration of the objections, over-ruled the objections and recommended for acquisition of the land(s). The remarks of the Highways Department were sent to Government for passing order and the Government, after careful consideration of the proposal, passed orders acquiring the proposed land(s) in G.O.Ms.No.117, Highways and Minor Ports (HW-2) Department, dated 27.06.2012. The G.O. was published in the Tamil Nadu Gazette No.28, Part-II,

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Section 2, dated 18.07.2012. Hence, according to the respondents, all the provisions of the Tamil Nadu Highways Act and the Tamil Nadu Highways Rules, were strictly followed in the present acquisition of land(s).

(k) The notice dated 28.03.2013 under Section 16(2) of the said Act to hand-over the possession of the acquired land and also an intimation to appear for enquiry under Section 19(2), for fixation of land value, were sent to the land owners and the petitioners have not attended for the enquiry under Section 19(2) fixed on 09.04.2013 and refused to give any statement regarding the land value and instead, they have tendered petitions requesting to reduce the width of the land from 22 meters to 15 meters. The said petitions of the land owners were forwarded to the requisition Department, i.e. the Highways Department for their remarks. The Highways Department, after careful consideration of the request of the land owners, rejected the request of the land owners and recommended for acquisition of the land(s). The remarks of the Highways Department, were communicated to the land owner(s). Since the land owner(s) had not attended the enquiry, the attempt to settle the compensation through agreement, had not become successful under Section 19(2) of the Tamil Nadu Highways Act. Hence, necessary proposals seeking permission to fix the value of the land(s) had to be obtained from the Principal Secretary and Commissioner of Land Administration, Chennai-5, under Section 19(3) of the Tamil Nadu



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Highways Act, was sent to the District Revenue Officer, Kancheepuram.

According to the respondent(s), the land(s) do not belong to Nandeeswarar Temple, and the same is not widened and only if required, the same will be resorted to for widening of the Vellalar Street of Mount-Madipakkam Road. The land acquisition proposal in the Mount-Madipakkam Road including Vellalar Street, is planned for four-laning including drainage and provision for other utility facilities and the land acquisition is being done in the Patta/private lands as per the documents of the Revenue Department.

(I) Favouritism is not given to the Hanut Apartment and the land acquisition is proposed based on the site conditions and technical viability. The proposed Highways boundary was marked in the site as per the land plan schedule and accordingly, the Notifications under Sections 15(1) and 15(2) of the Tamil Nadu Highways Act, were also published in the dailies and Government Gazette also. It has been clearly explained in the Superintending Engineer (Highways), CMDP Circle, Nandanam, Chennai-35, letter dated 21.05.2013 about the requirement of the road width as per Indian Road Congress and the necessity for the land acquisition of the above Road. The proposed Highway boundary had been marked in the site only as per the prepared LPS and not arbitrarily. The LPS has been prepared by taking into consideration the existing available Highway Road width. No land involved in the proposed land acquisition,



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was given up as alleged by the petitioner. Only the private (Patta) lands were included. In the case of Temple land, action is being taken to alienate the said land from HR & CE Department. From Km 0/0 to 0/318 already St.Thoms Mount subway has been constructed across the Railway line and hence, the land acquisition were initiated after the Km 0/318.

(m) Further, the Highways Department as requisitioning body, had proposed the land acquisition for the private / patta lands as per the Revenue Records. In future, the traffic congestion will not be seen in Vellalar Street of Mount-Madipakkam Road as alleged by the petitioners, whereas, due to the development of Chennai Metro Rail (CMRL) and Mass Rapid Transport System (MRTS) train facilities, there will be increase of traffic by the commuters and hence, the Vellalar Street of Mount-Madipakkam Road must required to be widened to four-lane road. During the process of land acquisition for the four-laning for the work in question, the land acquisition boundary could be restricted to the vacant land alone. If there is any building/structures and other utilities located in a particular portion of the land, it is inevitable to acquire the land including the structure on it. However, necessary compensation if any, will be paid as per the provisions of the Tamil Nadu Highways Act.

11. Learned counsel for the petitioners submitted that the petitioners are



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residents of Western side of Vellalar street, Adambakkam, Chennai. The second respondent, on 19.08.2008, bench-marked at distance of 4 meters from compound wall on either side of vellalar Street, contemplated to lay four-lane within the width of 15 meters of Vellalar (Karikalan) Street, Adambakkam, Chennai. The second respondent issued notice on 26.11.2009 under Section 15(2) of the Tamil Nadu Highways Act, intimating that the land(s) in the schedule thereunder, are required for the purpose of strengthening by widening Mount-Madipakkam Road from two-lane to four-lane way. On 06.01.2010, the petitioners, along with the Eastern side residents, submitted written objections against the acquisition. The fourth respondent sent a letter dated 21.02.2012 admitting the earlier letter dated 08.02.2010, assuring to maintain 500 meters of Vellalar Street to be maintained as two-way lane. Subsequently, the second respondent has issued notice dated 27.12.2011 under Section 15(2) of the Tamil Nadu Highways Act, to the residents of Western row of the Vellalar Street, intimating the interested persons that the land(s) lying within the Ward-EE, Block-5, is required for widening the Mount-Madipakkam two-lane Road for conversion into 4-lane road.

12. Subsequently, on 24.01.2012, the petitioners and other owners of Eastern row of Vellalar Street, appeared along with the other interested persons



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of Western row of the houses in the Vellalar Street, before the second respondent and submitted their written objection. The fourth respondent sent a letter dated 21.02.2012 admitting the earlier letter dated 08.02.2010 assuring to maintain 500 meters of Vellalar Street, to be maintained as two-way lane, but revising the said decision stating that the lands required for conversion of Mount-Madipakkam Road from two-way road into 4-lane road, have been in progress and that it includes all the houses, shops and Temples.

13. Thereafter, on 04.10.2012, G.O.Ms.No.166, Highways and Minor Ports (HW-II) Department, was issued and published in the Tamil Nadu Government Gazette No.42, Part-II, Section 2, dated 31.10.2012 approving notice dated 27.12.2011 issued to the petitioners under Section 15(2) of the Tamil Nadu Highways Act 34 of 2002. Thereafter, the second respondent served notice dated 27.03.2013 under Sections 19(2) and 19(3) of the Act 34 of 2002 and also notice under Section 16(2) of the Tamil Nadu Highways Act. Subsequently, the Divisional Engineer (Highways), CMDP, Division-I, Chennai-32, by letter dated 27.05.2013, stated that Mount-Madipakkam Road is a Major District Road (MDR) stretching to a distance of 9.10 kms. and that as per the IRC, 22 meters are required for laying four-lane together with drain water channel and minimum breadth centre median and that 15 meters of width, is not suitable for four-lane



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as per IRC. Therefore, the second and fourth respondents, though earlier have promised to the residents of Vellalar Street and on both side of the existing two-way lane, they will maintain the same breadth and they will not convert the two-lane into four-lane road, in the particular place, but subsequently, they failed to maintain their promise, and they also made conversion of two-way lane into four-way lane and it has affected the writ petitioners and others. Further, learned counsel for the petitioner submitted that while widening the road, they are extending the place only on the Eastern side and also had caused damage to all the residents also and they have not taken the land on the Western side and therefore, the impugned notice is liable to be quashed and the writ petitions may be allowed.

14. The learned Additional Advocate General appearing for the respondents submitted that in order to regularise the traffic and also due to the development of the city of Madras and in order to avoid traffic, the existing roads have been proposed to be widened and therefore, the Government had accorded administrative sanction for widening and strengthening the Mount-Madipakkam Road from two-lane to four-lane under Chennai Metropolitan Development Project. The said work relating to the land acquisition for the said project, is entrusted with the respondents, and therefore, the Divisional Engineer,



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Highways, Chennai Metropolitan Development Project-Division-I, made detailed survey and decided to acquire the extent of 1621 Sq.Mtrs. of patta lands in Adambakkam Village, Alandur Talluk, kancheepuram District. Since the power was delegated to Special Deputy Collector (Land Acquisition), and the Government also issued public notice under Section 15(2) of the Tamil Nadu Highways Act, and the same was also published in the Gazette. The persons interested in the lands were required to appear before the Land Acquisition Officer and expressed their objections in the public notice issued under Section 15(2) of the Tamil Nadu Highways Act, published in two dailies. After completion of the enquiry and the Notification issued under Section 15(1) of the Tamil Nadu Highways Act, they were sent to the Government for approval. After considering the same, the Government also accorded their approval to the acquisition and requisite Notification was also issued. Sections 16(1) and 16(2) of the Tamil Nadu Highways Act, were complied with and the enquiry was also conducted on 09.04.2013 and on the enquiry date, the land owners who have appeared for the enquiry, had not attended the enquiry and refused to give any statement regarding the land value. They have made a request to reduce the width of the road from 22 meters to 15 meters and the submissions of the land owners also were sent to the requisitioning Department, i.e. the Highways Department, for their remarks. After careful consideration of their submissions/objections, the



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Highways Department rejected their request. Since the land owners have not attended the enquiry and their attempt to settle the compensation through agreement, has not become successful under Section 19(2) of the Tamil Nadu Highways Act and there was no settlement, though the agreement provided for negotiation under Section 19(2) of the Tamil Nadu Highways Act. Therefore, necessary proposal seeking permission to fix the value of the land, was sent and under Section 19(3) of the Tamil Nau Highways Act to the District Revenue Officer, Kancheepuram and therefore, all the statutory provisions have been complied with.

15. Learned Additional Advocate General further submitted that the fourth respondent never assured the residents of Vellalar Street of Mount-Madipakkam Road that 15 meters length will not be converted as four-lane road. Further, during the enquiry under Section 15(2) of the Tamil Nadu Highways Act, the land owners submitted their petitions/objections against the Land Acquisition Act and requested to maintain the said Vellalar Street as two-lane. The Highways Department, after due consideration of the objections, over-ruled the same and recommended for acquisition of the land(s). The land acquisition proposal of the Mount-Madipakkam Road including the Vellalar Street, is planned for four-lane system, including the drainage and provisions for other utility facilities and the



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land conversion is being done in the patta/private lands as per the documents of the Revenue Department. The allegations made by the petitioners in showing favouritism, is not given and the land acquisition proposal is based on the site conditions and technical viability. The proposed Highways boundaries were marked in the sides as per the land plan schedule and accordingly, Notification under Sections 15(1) and 15(2) of the Tamil Nadu Highways Act, was also published. The Superintendent Engineer has clearly explained the reasons for over-ruling the objections made by the residents.

16. The learned Additional Advocate General further submitted that the widening of the roads and conversion of two-way lane to five-way Road, is only to avoid future traffic congestion and if the existing two-way lane is continued, in future, it would be very difficult to manage the traffic. If the conversion of four-way lane is completed, the traffic congestion will not be seen in Vellalar Street of Mount-Madipakkam Road. Due to development of CMRL and MRTS, there will be increase of traffic by commuters and hence, the Vellalar Street of Mount-Madipakkam Road must be required to be widened with four-lane road. Therefore, the allegations of the petitioners are not acceptable and the conversion is inevitable and therefore, the Writ Petitions are liable to be dismissed.



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17. Heard both sides and perused the materials available on record.

18. Admittedly, the petitioners are residents of Vellalar Street and the land acquisition proceedings were initiated for acquiring the land(s) in question. The Notification under Sections 15(1) and 15(2) of the Tamil Nadu Highways Act, were also published in the Government Gazette. The need for the present acquisition of the land(s) is thoroughly explained to the land owners. Though the residents of Vellalar Street, who are the adjacent owners of the two-way lane Road, requested not to convert the two-way lane to four-way lane system and even though the petitioners have stated that initially the acquisition body accepted and subsequently, they have also rejected their request and only on one side, they have extended and on the other side, they have not extended, i.e. the decision of the acquisition bodies is arbitrary.

19. On a perusal of the report of the Executive Engineer and also the technical feasibility report, it shows that the request of the petitioners/land owners that the reduction of the land(s) from 22 meters to 15 meters, is not possible. Even after rejecting their applications, they have not participated in the enquiry and therefore, there is no option except to acquire the land(s) and since



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they have not come forward for private negotiations under Section 19(2) of the Tamil Nadu Highways Act, for fixing compensation, the competent authority has to decide the matter and fix the compensation as per the law.

20. Since the Government has taken the decision in order to avoid traffic congestion in future, taking into consideration the development of the city of Chennai and giving facilities to the public at large and also the rapid development of other infrastructure in the city of Chennai, they have proposed to widen the road from two-lane road to four-lane road system. Since it is the policy decision of the Government and the acquisitioning authorities have also followed the land acquisition proceedings as per the statute and further, the Court is not expert in the field and only based on the technical report and also considering the development of the city of Chennai and in order to avoid traffic congestion, the Government has taken such a decision and the expert had also stated that within the short distance, they cannot change the alignment and also as per the original plan and demarcation, they have to acquire the land(s) in question.

21. In this case, this Court does not find any arbitrariness or irregularity in the acquisition process and though the request of the writ petitioners/residents of Vellalar Street/land owners/interested parties, was carefully considered by the



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Highways Department and the same was rejected for valid reasons. This Court does not find any infirmity in rejection of the request of the writ petitioners//residents of Vellalar Street/land owners/interested parties.

22. Therefore, the petitioners are not entitled to the relief sought for in these Writ Petitions, which are accordingly dismissed. Consequently, suo-motu contempt petition is closed. There shall be no order as to costs. The Miscellaneous Petitions are closed.

30.04.2024

Index: Yes/no

Neutral Case Citation: Yes/no

Speaking Order: Yes/ no

CS

To

1. State of Tamil Nadu, Rep. by Secretary to Government,
Highways and Minor Port Department,
Fort St.George, Chennai-600 009.
2. The Special Deputy Collector (LA),
Tamil Nadu Urban Development Project,
Poonamallee, Chennai-600 056.
3. The Chief Engineer (Metro),
Chennai Metropolitan Development Project,
Highways Department,
Alandur, Chennai-600 016.

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4. The Divisional Engineer (Highways),
Chennai Metropolitan Development Project Division-I,
Guindy, Chennai-600 032.



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P. VELMURUGAN, J

CS

Pre-delivery Order in
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Order delivered on
30.04.2024