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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.22228 of 2014

and

M.P.Nos. 1 & 2 of 2014 & W.M.P.No.29877 of 2018

S.Thiruvenkadam

... Petitioner

Vs.

1.The Chief Engineer,
National Highways,
Chennai – 5.

2.The Assistant Divisional Engineer (H) C&M,
Office of the Assistant Divisional Engineer,
Highways Department,
Construction and Maintenance,
Tambaram Sub Division,
Chennai – 600 042.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records in proceedings in Notice No.15/2014-01/Kanathur/JDO/dated 15.07.2014, on the file of the 2nd respondent and quash the same as illegal, incompetent and



unconstitutional and further forbear the respondents, their men, agents, servants and subordinate from interfering the property bearing S.No.69/6B, 69/6C situate at Kanathur Reddy Kuppam, Chengalpattu Taluk, Kancheepuram District.

For Petitioner : Mr.Sunny Sheen Akkara
For Mrs.V.Srimathi

For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The notice issued under Clause (28)(2)(ii) of the Tamil Nadu Highways Act, 2001 in proceedings dated 15.07.2014 is sought to be quashed in the present writ petition.

2. The learned counsel for the petitioner would submit that the land acquisition proceedings said to have been completed is incorrect. The petitioner has not received any such proceedings.



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3. Mr.A.Selvendran, learned Special Government Pleader appearing on behalf of the respondents would submit that the land acquisition proceedings had been concluded in all respects and an award was passed and a copy of the award also has been enclosed along with the typed set of papers filed by the respondents. The proceedings initiated are narrated in para 5 of the counter affidavit as under:

“5. It is submitted that the lands notified for acquisition has been duly demarcated, surveyed measured and mapped under Section 8 of the Act. The area shown in this award is true and correct area of the land. The notice under Section 9(i) and 10 of the LA Act was published in the village on 20.02.1995. The individual notices under Section 9(3) and 10 of the Act were also issued to the land owners on 20.02.1995 calling for them to attend Award Enquiry on 16.03.1995, 17.03.1995 and finally on 24.03.1995. The land owners or their representatives did not appear for award enquiry. The land acquisition officer could not make the Court deposit in the name of the land owner since apart from personal details, the whereabouts of the petitioner is not known to the Land Acquisition



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Officer. Hence the compensation amount has been ordered to be kept in the Revenue Deposit as per award No.06/95 dated 30.03.1995 (Copy enclosed). It will be refunded to them on production of records.

6. It is submitted that the land in Survey No.69/6B2 and 69/6C2 was acquired according to the requirement for widening of East Coast Road as follows:”

Sl. No (1)	No. of Patta and name of the Pattadarar (2)	Survey No. (3)	Extent Acquired (4)	In Acres (5)	Compensation Amount (in Rs.) (6)
1.	Patta No.60, Thiru.Kannan, S/o.Thiru Chakrapani naicker	69/6B2	0.03.0	0.08	8405.00
2.	Patta No.132, Thiru Thiruvengadam S/o. Thiru.Chakrapani Naicker	69/6C2	0.02.5	0.06	7004.00

4. In view of the fact that the acquisition proceedings were concluded and an award has been passed by the Assistant Divisional Engineer and thereafter notice was issued for eviction under Clause (28)(2)(ii) of the Tamil Nadu Highways Act, 2001. Since the notice was issued in the year 2014 and 8 years lapsed, we are inclined to provide an opportunity to the petitioner. Thus, the petitioner is at liberty to submit his objections along with the documents, if any within 10 days from today. On receipt of any such



objections, the respondents shall look into the same and verify the documents and thereafter initiate all appropriate actions to remove the encroachments under the Tamil Nadu Highways Act, 2001, if any. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S., J.] [K.R.S., J.]
13.03.2024

Jeni
Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation : Yes / No

To

- 1.The Chief Engineer,
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