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W.P.No.27431 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.27431 of 2024
and W.M.P.No.29938 of 2024

Ashok Kumar.B

... Petitioner

VS.

- 1.The Government of Tamil Nadu,
Represented by its Secretary,
Highways Department,
Fort St. George, Chennai – 600009.
- 2.The District Collector,
Chengalpattu District,
Collectorate, GST Road,
Chengalpattu – 603001.
- 3.The District Collector,
Kanchipuram District
Tiruvannamalai – Kanchipuram Rd,
Thaiyar Kullam, Kanchipuram – 631501.
- 4.The Assistant Executive Engineer (Highways)
Chennai Metropolitan Development Scheme,
Division – 2, Alandur Chennai – 600016.
- 5.The Executive Engineer (Highways)
Chennai Metropolitan Development Scheme,
Divison – 1, Alandur Chennai – 600016.



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6.The Collector (Land Acquisition)
Guindy, Chennai – 600025.

7.The Special Tahsildar (Land Acquisition)
Guindy Unit Chennai – 600025.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st Respondent to only acquire the extent of 95 Sq.M of land as specified in notice No.1/Injambakkam/2024/U Ko Pa – 2 dated 13.02.2024 issued by the 4th Respondent in respect of the property belonging to the Petitioner being No.2/155, Ponniyamman Kovil Street, Injambakkam, Chennai 600115, Injambakkam Village, Kancheepuram District and bears survey no. 164/100C with constructed area of approximately 6500 Sq.Ft.

For Petitioner : Mr.Sivanandaraaj
Senior Advocate
for M/s.Advaith.R

For Respondents : Mr.P.Sathish
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the 1st respondent to acquire petitioner's land to an extent of 95 sq.meters as specified in Notice No.1/Injambakkam/2024/U Ko Pa – 2, dated 13.02.2024 issued by the 4th



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respondent in respect of petitioner's property bearing No.2/155, Ponniyamman Kovil Street, Injambakkam, Chennai 600115 and bears Survey No.164/100C with constructed area of approximately 6500 sq.ft.

2. It is the case of the petitioner that though the 4th respondent issued notification under Sections 15(2) and 15(1) of the State Highways Act, 2001 for acquiring petitioner's land with an extent of 95 sq.meters, the respondents are attempting to acquire more extent than the one covered by the notification.

3. Mr.P.Sathish, learned Additional Government Pleader, who is taking notice for the respondents, on written instructions, would submit that the respondents will acquire the land of the petitioner covered by the 15(1) Notification published in Tamil Nadu Gazette on 30th December, 2015. The said statement made by the learned Additional Government Pleader is recorded. The learned Additional Government Pleader further submits that the petitioner encroached a portion of the road margin in front of his patta land. The respondents are also entitled to remove the same.



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4. As far as the petitioner's patta land is concerned, the respondents are entitled to take over only 95 sq.meters of the petitioner's land as per the 15(1) Notification issued by them. As far as the alleged encroachment by the petitioner on the road margin in front of his patta land is concerned, it is for the respondents to initiate separate proceedings for eviction of the petitioner in accordance with law.

5. With these clarifications, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

13.09.2024

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
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S.SOUNTHAR, J.

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