



WEB COPY

W.P. No.32334 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.32334 of 2023

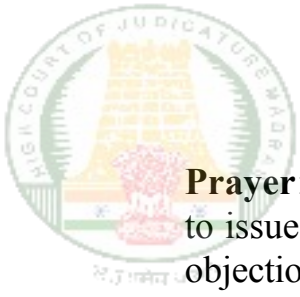
R.Madhavan

... Petitioner

Vs.

1. The District Collector
Office of Collector,
Chengalpet, Chengalpet District
2. The District Revenue Officer
Office of DRO, Chengalpet
Chengalpet District
3. The Special Deputy Collector
(Land Acquisition)
IT Expressway Scheme
Tambaram - 600 045
Chengalpet District
4. The Revenue Divisional Officer
Office of the RDO
Tambaram - 600 045
Chengalpet District
5. The Special Tahsildar
(Land Acquisition)
IT Expressway Scheme
Tahsildar Office
Tambaram - 600 045
Chengalpet District

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 5th respondent to comply with the objections raised by the Registry of the Principal Sub Court, Chengalpet, in the LAOP filed by the 5th respondent in relation to the land acquired in Survey No. 307/7b to the extent of 117 sq.mtrs under the Tamil Nadu Highways Act, 2001 vide Award No.03/2017 dated 10.02.2017 within a time frame as may be fixed by this Court.

For Petitioner : Mr.P.Senthil Kumar

For Respondents : Mr.R.Ramanlaal
Additional Advocate General
assisted by Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

ORDER

This Writ Petition is filed seeking a Writ of Mandamus directing the 5th respondent to comply with the objections raised by the Registry of the Principal Sub Court, Chengalpet, in the LAOP filed by the 5th respondent in relation to the land acquired in Survey No. 307/7b to the extent of 117 sq.mtrs under the Tamil Nadu Highways Act, 2001 vide Award No.03/2017 dated 10.02.2017 within a time frame as may be fixed by this Court.

2. When the matter came up before this Court on 15.11.2023, at the request of the learned Special Government Pleader, the matter was adjourned to 13.12.2023 for filing counter affidavit. Thereafter, when the matter came



up on 13.12.2023, no counter affidavit was filed and the learned Additional Government Pleader sought further time to file counter affidavit. Hence, the matter was adjourned to 05.01.2024 on payment of cost and Registry was directed not to entertain any counter affidavit unless the said cost is paid by the respondents.

3. Today (05.01.2024), when the matter is taken up for hearing, neither counter affidavit was filed nor the cost was paid. The Mr.R.Ramanlaal, Additional Advocate General assisted by Mr.R.U.Dinesh Rajkumar Additional Government Pleader, appearing for the respondents submitted that in respect of payment of cost, an appeal is filed before this Court in W.A.No.62 of 2024 and since the payment of cost has not been paid, Registry is not receiving the counter affidavit, which is ready to file.

4. It is seen that the said appeal filed by the respondents is only with regard to the payment of cost alone and no stay is granted in the appeal.

5. Therefore, taking into consideration that the Writ Petition is filed only for simple Writ of Mandamus to direct the 5th respondent to comply with the objections raised by the Registry of the Principal Sub Court,



Chengalpet, in the LAOP filed by the 5th respondent in relation to the subject land acquired under the Tamil Nadu Highways Act, 2001 vide Award No.03/2017 dated 10.02.2017, this Writ Petition is allowed as prayed for. No costs.

05.01.2024

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Index : Yes / No

Neutral Citation Case : Yes/No



To

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P.VELMURUGAN. J.

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