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W.P. No. 39726 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.12.2024

CORAM

THE HON'BLE MR. JUSTICE S.M. SUBRAMANIAM

AND

THE HON'BLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P. No. 39726 of 2024

&

W.M.P. No. 43020 of 2024

Mr.E.N. Rathinavelu

..Petitioner

Vs.

1. The District Revenue Officer
(Land Acquisition),
Highways Department,
Guindy, Chennai – 600025.
2. The Divisional Engineer,
CMDP Division I,
Alandur,
Chennai – 600 016.
3. The Assistant Divisional Engineer,
Highways Department,
Guindy, Chennai – 600 025.



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4. The Assistant Engineer,
Highways Department,
Guindy,
Chennai – 600 025.

5. The Tahsildar,
Sholinganallur Taluk,
Chennai District.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorari to call for the records of the impugned order dated 16.12.2024 passed by the 2nd respondent and quash the same as illegal.

For Petitioner	::	Mr.S. Udhayakumar
For Respondents	::	Mr.P. Kumaresan
		Additional Advocate General
		assisted by
		Mrs.S. Anitha
		Special Govt. Pleader for
		R1 to R5

O R D E R

(Made by S.M. SUBRAMANIAM,J.)

The writ petition is filed challenging the order dated



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16.12.2024 by which the petitioner has been asked to remove all the encroachments and hand over the Government land in Survey No. 164/8 failing which he was informed that action would be taken under Section 28(2)(ii) of Tamil Nadu Highways Act, 2001.

2. The contention raised by the learned counsel for the petitioner is that the temple, sought to be removed, situate in Survey No. 162, Injambakkam Village, Sholinganallur Taluk and show cause notice has been issued with reference to Survey No. 164/8 of Injambakkam Village, Sholinganallur Taluk, where no temple exists.

3. Learned Additional Advocate General appearing on behalf of the respondents would submit that the petitioner is attempting to manipulate the survey numbers and property in Survey No.164/8 has already been taken possession by the Department.

4. However, in order to clarify the doubt now raised by the petitioner, we direct the respondents to conduct re-survey in the presence of the petitioner after informing him the date and time of re-survey , clarify the position and proceed further. The petitioner shall appear on the specified date and time fixed by the respondents. In the event of non-co-operation on



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the part of the petitioner, the authorities are at liberty to complete re-survey, record the same and proceed further in accordance with law.

5. The writ petition is disposed of with the above directions. No costs. Connected W.M.P. is closed.

(S.M.S.J.) (V.L.N.J.)
27.12.2024

nv

To

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S.M. SUBRAMANIAM,J.

AND

V.LAKSHMINARAYANAN,J.

nv

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