



WEB COPY

W.P.No.29801



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.29801 of 2018
and
W.M.P.No.34776 of 2018

B.Krishna Kumar

... Petitioner

Vs.

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Commissioner,
Thiruverkadu Special Grade,
Municipality,
Thiruverkadu,
Chennai – 600 077.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the second respondent to stop the process of widening the stretch of Sivan Koil from Vedapuriswarar Temple to Thiruverkadu Bus stand at Thiruverkadu, Chennai – 600 077 after complying the provisions of Land Acquisition Act.

For Petitioner

: M/s.A.Subadra

For R1

: Mr.P.Bala Thandayutham,



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Special Government Pleader

For R2

: No appearance

ORDER

The Writ of Mandamus has been instituted to direct the second respondent to stop the process of widening the stretch of Sivan Koil from Vedapuriswarar Temple to Thiruverkadu Bus stand at Thiruverkadu, Chennai – 600 077 after complying the provisions of Land Acquisition Act.

2. The apprehension of the writ petitioner at the time of filing of the Writ Petition was that the second respondent / Municipality has taken steps to widen the stretch of Sivan Koil from Vedapuriswarar Temple to Thiruverkadu Bus stand.

3. The learned counsel appearing on behalf of the second respondent / Municipality, on instructions from the M.Ganesh, Municipal Commissioner, Thiruverkadu Municipality made a submission that no such process has been initiated and as of now the acquisition proceedings have not commenced. However, the Municipality has taken steps to remove the encroachments. It is needless to state that all such road encroachments are to be removed by following the procedures as contemplated either under the Municipalities Act or under the Tamil Nadu Land Encroachment Act. Encroachments in public roads would cause inconvenience to



the people of that locality and therefore, the respondents shall ensure that the encroachments in the road are removed by following the procedures.

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4. As far as the apprehension of the writ petitioner is concerned, there is no land acquisition proceedings commenced and if at all the road widening project is undertaken, thereafter, the authorities are at liberty to acquire the land for the purpose of road expansion projects by following the due process of law.

5. With these observations, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petition is closed. No costs.

11.01.2024

skr

Index : Yes

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.
2. The Commissioner,
Thiruverkadu Special Grade,
Municipality,
Thiruverkadu,
Chennai – 600 077.



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S.M.SUBRAMANIAM, J.

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