

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.10218 of 2015
and M.P.No.1 of 2015

1.K.Kaliyannan
2.Kandasamy

.. Petitioners

Vs.

- 1.The District Collector,
Salem District.
- 2.The Revenue Divisional Officer,
Mettur, Salem District.
- 3.The Tahsildar,
Omalur Taluk, Salem District.
- 4.The Village Administrative Officer,
Pottiyapuram,
Omalur Taluk,
Salem District.
- 5.The Block Development Officer,
Omalur Taluk,
Salem District.
- 6.The President,
Pottiyapuram Panchayat,
Omalur Taluk,
Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents not to lay the road in the land in Survey No.67/1 an extent of 1.33 acres situated at Pottiyapuram Village, Omalur Taluk, Salem District without following the due process of law.

For Petitioners : Mr.M.Elango

For Respondents : Mr.S.V.Duraisolaimalai,
Additional Government Pleader
for R1 to R5

O R D E R

By consent, this writ petition is taken up for final disposal.

2. The petitioners claim that they are the owners of the land admeasuring an extent of 1.33 acres in S.No.67/1, Pottiyapuram Village, Omalur Taluk, by virtue of Registered Sale Deed dated 14.12.2011 in Doc.No.11654/2011, on the file of the Sub-Registrar Office, Omalur. The grievance of the petitioners is that without following due process of law, attempts are being made to lay a road and in this regard, they have submitted a representation dated 18.03.2015 in the form of legal notice through their Advocate and without responding to the same, urgent steps are being taken to lay the road and hence, came forward to file this Writ Petition.

3. Heard the submissions of Mr.M.Elango, learned counsel appearing for the petitioners and Mr.S.V.Duraisolaimalai, learned Additional Government Pleader, who accepts notice for the respondents 1 to 5.

4. Though the petitioners have prayed for larger relief, this Court is of the view that it would be suffice to direct the third respondent to consider the representation submitted by the petitioners in the form of Legal Notice dated 18.03.2015, in accordance with law within a stipulated time, after giving opportunity of hearing to the parties concerned.

5. Hence, this Writ Petition is disposed of with a direction to the third respondent to consider the representation submitted by the petitioners in the form of Legal Notice dated 18.03.2015, on merits and in accordance with law, after giving opportunity of hearing to the petitioners as well as persons concerned and pass orders as expeditiously as possible, not later than eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

jvm

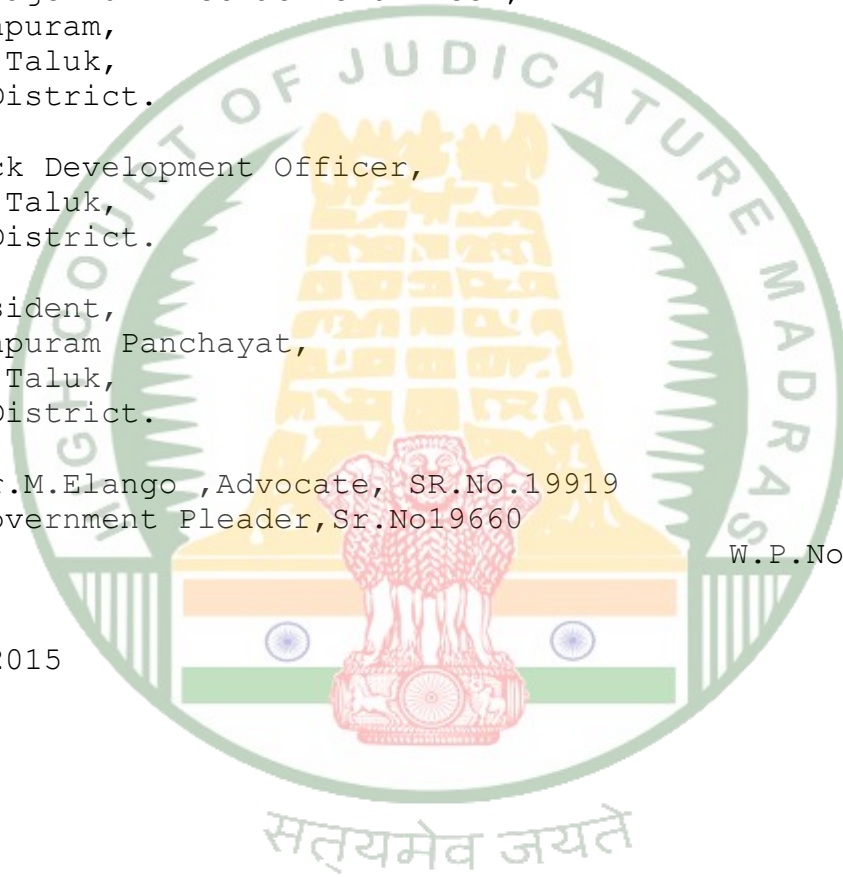
To

- 1.The District Collector,
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- 3.The Tahsildar,
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- 5.The Block Development Officer,
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Salem District.
- 6.The President,
Pottiyapuram Panchayat,
Omalur Taluk,
Salem District.

1 cc to Mr.M.Elango ,Advocate, SR.No.19919
1 cc to Government Pleader,Sr.No19660

W.P.No.10218 of 2015

ssi(co)
pmk.28.4.2015



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