

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.15538 of 2015
and
M.P.No.1 of 2015

M.Rajathi

... Petitioner

vs

1. Government of Puducherry
Rep. By its Secretary
Public Works Department
Buildings & Road (Central Division)
Circle 1, Central Office
Puducherry
2. The Executive Engineer
Buildings & Road (Central Division)
Public Works Department
Puducherry
3. Estate Officer
B & R Central Division
Public Works Department
Government of Puducherry
Puducherry

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from in any manner laying the roads in the subject matter of petitioner's property situated in T.S.No.59, R.S.No.52/1 part, Block No.6, Ward H, to an extent of 591 square feet, at No.37, Pudupalayam Revenue Village, in Door No.433, Kamaraj Salai, Kuyavarpalayam, Mudaliarpet Commune, Puducherry without due process of law.

For Petitioner : Mr.M.Rajasekhar

For Respondents : Mr.R.Sreedhar
Government Advocate (Pondy)

ORDER

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

2.The petitioner claims that she is the owner of the land bearing T.S.No.59, R.S.No.52/1 part, Block No.6, Ward H, admeasuring to an extent of 591 square feet in Kamaraj Salai, Kuyavarpalayam, No.37, Pudupalayam Revenue Village, Mudaliarpet Commune, Puducherry Municipality, and she has purchased the property by means of a registered sale deed dated 4.5.2007, (Document No.3049 of 2007 - Sub Registrar, Puducherry), and the patta bearing No.1424, stands in the name of the father of the vendor's husband. The petitioner would further state that her husband leased out the property in favour of one Singaram for running a food stall and after his demise, his wife continues to carry on the said business and subsequently, she defaulted in payment, which resulted in filing of RCOP No.88 of 2002, on the file of the Court of Rent Controller at Puducherry, and it was ordered and the appeal filed, is also pending.

3.The grievance expressed by the petitioner, is that the respondents 1 and 2 had commenced the widening of "Saram Bridge" in Kamaraj Salai and under the guise of widening the bridge, have trespassed into the petitioner's patta land, and in this regard, she has submitted a representation dated 4.4.2014, and also invoked the provisions of the Right To Information Act and got information that no acquisition proceedings are going.

4.Mr.M.Rajasekhar, learned Counsel appearing for the petitioner, would submit that without getting any prior permission of the petitioner, the respondents have trespassed upon the petitioner's land under the guise of widening of the bridge and without acquiring the property, they cannot do so and hence, prays for appropriate orders.

5.Heard the submissions of Mr.R.Sreedhar, learned Government Advocate (Pondy), who accepted notice for the respondents, also.

6.Though the petitioner prayed for a larger relief, this Court, in the facts and circumstances of the case, permits the petitioner to submit one more representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order, by enclosing a copy of her earlier representation as well as the materials obtained through Right To Information Act, and the

second respondent, on receipt of the same, is directed to consider it and pass orders on merits after giving an opportunity of personal hearing to the petitioner, within a period of three weeks thereafter. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

nsv

To:

1. The Secretary
Public Works Department
Buildings & Road (Central Division)
Circle 1, Central Office
Puducherry
2. The Executive Engineer
Buildings & Road (Central Division)
Public Works Department
Puducherry
3. The Estate Officer
B & R Central Division
Public Works Department
Government of Puducherry
Puducherry

+1cc to Mr.M.Rajasekhar, Advocate, S.R.No.26258

+1cc to the Senior Government Pleader cum Senior Public Prosecutor,
S.R.No.26453

W.P.No.15538 of 2015

SCD(CO)
CA(04/06/2015)

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