

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.16526 of 2015

and

M.P.No.1 of 2015

1.Dr.A.Panneer
2.Dr.S.Baskar

...Petitioners

vs

1. The Government of Tamil Nadu,
Rep. By its Secretary,
Highways Department,
Secretariat, Chennai 600 009.
2. The Divisional Engineer,
Highways Department,
Periyar Nagar, Chengalpet.
3. The District Collector,
Kanchipuram District,
Kanchipuram.
4. The Tahsildar,
Sholinganallur,
Kanchipuram District.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the property at Survey No.2/2B and 3/2, then Survey No.3/481 (part) currently comprised in Survey No.3/481A1A1 as per Patta No.3/622 in Plot No.10 in Old No.191 and New No.64, Uthandi Village, Tambaram Taluk, formerly Saidapet Taluk, Kanchipuram District, to an extent of 50 cents without following due process of law.

For Petitioners : Mr.S.Parthasarathy

For Respondents : Ms.P.Rajalakshmi
Government Advocate

ORDER

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

2.The petitioners claim that they are the absolute owners of the properties at Survey Nos.2/2B and 3/2 [Old Survey No.3/481 (part)], currently comprised in Survey No.3/481A1A1, Patta No.3/622, in Plot No.10, Old No.191, New No.64, admeasuring to an extent of 50 cents, situated in Uthandi Village, Tambaram Taluk, Kancheepuram District. According to them, they have purchased the said properties by means of a registered sale deed dated 18.9.2006, bearing Document No.5555/2006, registered on the file of the Sub-Registrar, Neelangarai, and also got patta in No.1715 from the Tahsildar, Tambaram.

3.The grievance now expressed by the petitioners, is that the second respondent without any authorisation or initiating any acquisition proceedings, sought to extend/expand the road into the petitioners' patta land and in this regard, the petitioners had submitted a detailed representation dated 29.4.2015, and though it was received and acknowledged, the third respondent is continuing to interfere with the petitioners' peaceful possession and enjoyment of the same and hence, they came forward to file this writ petition.

4.Heard the submissions of Mr.S.Parthasarathy, learned Counsel appearing for the petitioners, and Ms.P.Rajalakshmi, learned Government Advocate, who accepted notice for the respondents.

5.Though the petitioners prayed for a larger relief, this Court, in the facts and circumstances of the case and without going into the merits of the representation, directs the second respondent to consider and dispose of the petitioners' representation dated 29.4.2015, in accordance with law, within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners and till then, defer further action in respect of the properties in question. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

nsv

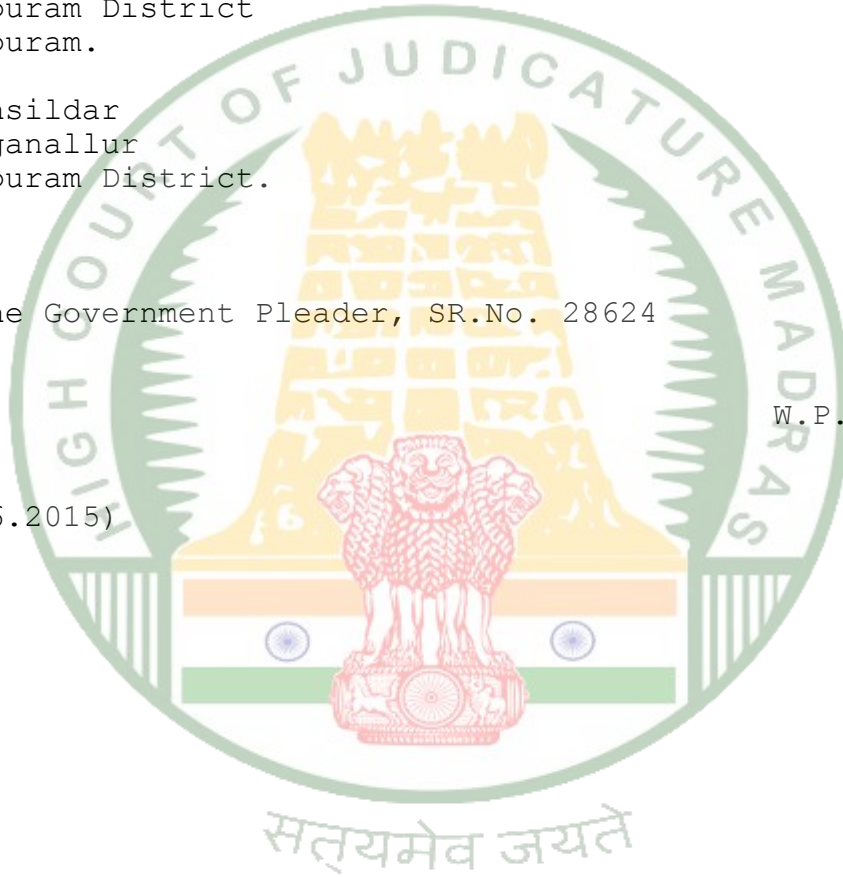
To

1. The Secretary to Government
Highways Department
Secretariat, Chennai 600 009.
2. The Divisional Engineer
Highways Department
Periyar Nagar, Chengalpet.
3. The District Collector
Kanchipuram District
Kanchipuram.
4. The Tahsildar
Sholinganallur
Kanchipuram District.

1 CC to the Government Pleader, SR.No. 28624

W.P.No.16526 of 2015

SVI (CO)
PSI (16.06.2015)



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