

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 12.10.2015

CORAM

The Hon'ble Mr.Justice N. KIRUBAKARAN

W.P.No.29108 of 2015

R.Ayyappasrinivasan

.. Petitioner

vs.

1. The Panchayat President,
Office of the Panchayat President,
C.Sathamangalam,
Keerapalayam Union,
Chidambaram Taluk,
Cuddalore District.
2. The Block Development Officer,
Keerapalayam Panchayat Union,
Keerapalayam,
Chidambaram Taluk,
Cuddalore District.
3. The District Collector,
Cuddalore District,
Cuddalore.
4. The Divisional Engineer,
O/o the Divisional Engineer,
Highways Department,
Cuddalore,
Cuddalore District.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India, praying this Court for issuance of Writ of Mandamus to forbear the respondents 1 and 2 from putting up any construction, obstruction over the margin of the National Highway at C.Sathamangalam in blocking the access or obstructing the enjoyment of the petitioner over his property bearing Survey Nos.131/2, 133/4 and 133/5 to a total extent of 23.75 cents at C.Sathamangalam Panchayat, Chidambaram Taluk, Cuddalore District.

For Petitioner : MR.P.R.Thiruneelakandan
Advocate

For Respondents : Mr.Pattabiraman,
Govt. Advocate

For Respondents : Mr.G.Suriya Narayanan,
3 and 4

O R D E R

This writ petition is filed for issuance of Writ of Mandamus to forbear the respondents 1 and 2 from putting up any construction, obstruction over the margin of the National Highway at C.Sathamangalam in blocking the access or obstructing the enjoyment of the petitioner over his property bearing Survey Nos.131/2, 133/4 and 133/5 to a total extent of 23.75 cents at C.Sathamangalam Panchayat, Chidambaram Taluk, Cuddalore District.

2. The petitioner is an absolute owner of the land bearing Survey Nos.131/2, 133/4 and 135/5 to a total extent of 23.75 cents at C.Sathamangalam Panchayat. The said land is situated abutting Sethiyapthope to Chidambaram Highway. Exact opposite side of the petitioner's house, the petitioner is also owning a property adjoining to the said Highway. The petitioner has been using the adjoining highway as an access to his land and house. According to the petitioner, the first and second respondents are attempting to put up a bus stop in front of his house on the margin of the highway encroaching his patta land. Since it affects the petitioner's ingress and egress into the petitioner's property, the present writ petition has been filed.

3. When the matter is called today, the learned counsel for respondents 1 and 2 filed a communication dated 30.09.2015 written by the second respondent to the Government Advocate and the learned counsel for respondents 4 and 5 has also filed another communication dated 17.09.2015, given by the fourth respondent stating that there is no proposal to put up any bus stop abutting the property of the petitioner.

4. In view of the above, there is no necessity to pass orders as the respondents themselves have no proposal to set up any bus stop.

5. Recording the communications dated 30.09.2015 and 17.09.2015, the writ petition is disposed of. No costs. Consequently, M.P.No.1 of 2015 is closed. The said communications shall form part of the order.
Cla

Sd/-
Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

1. The Panchayat President,
Office of the Panchayat President,
C.Sathamangalam,
Keerapalayam Union,
Chidambaram Taluk,
Cuddalore District.
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Keerapalayam Panchayat Union,
Keerapalayam,
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4. The Divisional Engineer,
O/o the Divisional Engineer,
Highways Department,
Cuddalore,
Cuddalore District.

+1 C.C. To MR.P.R.Thiruneelankandan, Advocate in SR.NO.55726

+1 C.C. To MR.S.Pattabiram Advocate in SR.NO.56020

+1 C.C. To Government Pleader in SR.NO.55963

W.P.No.29108 of 2015

CTK(CO)
sd : 04/11/2015