

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.11.2015

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.29486 of 2015 &
M.P.No.1 of 2015

C.Kannaiyan

[PETITIONER]

Vs

- 1 The District Collector
Krishnagiri District, Krishnagiri.
- 2 The Block Development Officer
Krishnagiri Union, Krishnagiri.
- 3 The President
Kammampalli Village Panchayat
Seenepalli Post
Krishnagiri Taluk and District.
- 4 The Project Director
District Rural Development Agency
Krishnagiri.

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to forbear from unauthorisedly putting up a permanent road in Survey Nos.473/7 473/8 and 473/12 in No.124 Kammampalli Village Krishnagiri Taluk and District except in accordance with law.

For Petitioner ..Mr.M.Ravi

For Respondents 1,3,4 ..Mr.R.Lakshmi Narayanan
Addl.Govt.Pleader

For Respondent No.2 .. Mr.RAS.Senthivel, AGP

O R D E R

By consent of the learned counsel on either side, the writ petition is taken up for final disposal.

2. Heard Mr.M.Ravi, learned Counsel appearing for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader appearing for the respondents.

3.The petitioner has filed this Writ Petition, to forbear the respondents from unauthorisedly putting up a permanent road in Survey Nos.473/7 473/8 and 473/12 in No.124 Kammampalli Village Krishnagiri Taluk and District except.

4.At the time when the Writ Petition was entertained on 18.09.2015, notice was accepted on behalf of the respondents and time was granted to file counter affidavit and private notice was also permitted. Subsequently, time was extended by two weeks for filing counter. Though the respondents, 1,2 & 4 entered appearance through counsel, till date no counter affidavit have been filed and though the name of the third respondent is printed in the cause list, none appeared for the third respondent.

5.The specific contention raised by the petitioner is that the property in question is a private patta land and the third respondent is attempting to form a road unauthorisedly in the said property. In this regard, the petitioner has also given representations to the authorities and since there is no response, the petitioner is before this Court.

6.In the light of the above, the third respondent is restrained from forming any permanent road in the property in question without issuing notice to the petitioner and without affording an opportunity for the petitioner to putforth his case and after the objections are received and after conducting enquiry, it is open to the third respondent to pass appropriate orders and thereafter proceed in accordance with law.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

rpa

To

- 1 The District Collector
Krishnagiri District, Krishnagiri.
- 2 The Block Development Officer
Krishnagiri Union, Krishnagiri.
- 3 The President
Kammampalli Village Panchayat
Seenepalli Post
Krishnagiri Taluk and District.
- 4 The Project Director
District Rural Development Agency
Krishnagiri.

+ 1 cc to Mr. M. Ravi, Advocate SR.63761
+ 1 cc to the Government Pleader SR.63923

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PA(CO)
EU 07.12.15



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