

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5671 of 2015 and M.P.No.1 of 2015

P.Padmanabhan

... Petitioner

Vs

1. The District Collector,
Tiruppur District
Collectorate at Cotton Market Complex,
Palladam Road,
Thiruppur - 641 104
2. The Tahsildhar,
Kangeyam Taluk,
Kanangeyam - 638 107
3. The Assistant Director,
(Survey and land records)
Collectorate at Cotton Market Complex,
Palladam Road,
Tiruppur - 641 104
4. The Divisional Engineer,
Construction and Maintenance
Highways department,
Government of Tamilnadu
Chikkanna College Road,
Tiruppur - 641 602
5. The Assistant Divisional Engineer
Construction and Maintenance
Highways Department,
Travelers bungalow Complex
Coimbatore road,
Kaangeyam - 638 701
Tiruppur District

6. The Assistant Engineer
Construction and Maintenance
Highways Department,
Travelers Bungalow Complex,
Coimbatore road,
Kaangeyam - 638 701
Tiruppur District

... Respondents

Prayer : Writ Petition has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to remove the HD survey stone illegally planted within the petitioner's patta lands comprised in S.F.No.697 of Vattmalai village, Kangayam Taluk, Tirupur District and restore the regular survey stone at Point E as per the Field Measurement Book Plan, by considering his representations dated 20.02.2015 and 21.02.2015.

For Petitioner : Mr.N.Manokaran

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

Heard Mr.N.Manokaran, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, learned Special Government Pleader appearing for the respondents. With the consent of either side the Writ Petition itself is taken up for final disposal at the admission stage.

2.The Petitioner seeks for a direction upon the respondents to remove the HD survey stone illegally planted within the petitioner's patta lands comprised in S.F.No.697 of Vattmalai village, Kangayam Taluk, Tirupur District and restore the regular survey stone at Point E as per the Field Measurement Book Plan, by considering his representations dated 20.02.2015 and 21.02.2015.

3. The petitioner would submit that he is a practising advocate and he is the absolute owner of the land in question. While survey was initially conducted, stones were erected in the property to mark the boundaries of the highways. Further, all of a sudden, the authorities have put up a stone by encroaching into his private patta land. The petitioner would further state there is no notice issued to the petitioner prior to such action being taken and the authorities at the lower level are unable to give any

satisfactory answers and new stones are erected when already old stones are intact. The petitioner submitted the representations to all the respondents on 21.02.2015 and the representations are not been considered and therefore, the petitioner is before this Court seeking for appropriate direction.

4. In the light of the above, there shall be a direction to the 4th respondent to consider the petitioner's representation dated 21.02.2015 on merits and in accordance with law within a period of two weeks from the date of receipt of copy of this order, after issuing notice to the petitioner and affording opportunity of personal hearing to the petitioner. The petitioner is directed to forward a copy of the representation along with a copy of this order. While considering the petitioner's representation, it is open to the 4th respondent to call for the revenue officials to be present, since there will be necessity to measure the property.

With the above direction, this Writ Petition is disposed of. Consequently connected miscellaneous petition is closed. No costs.

Sd/-
Asst. Registrar

/true copy/

Ssd

Sub Asst. Registrar.

To

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+1cc to Mr.N.Manokaran, Advocate, S.R.No.11810
+1cc to the Government Pleader, S.R.No.11866

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RV(CO)
CA(11/03/2015)



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