

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.7928 of 2015 & MP.No.1/2015

1.G.Loganathan
2.G.Angappan
3.G.Ramamoorthy

.. Petitioners

Versus

1.The District Collector
Kancheepuram District,
Kancheepuram.
2.The Tahsildar
Sriperumbudur Taluk
Sriperumbudur, Kancheepuram District.
3.The President
Makanyam Village Panchayat
Makanyam, Sriperumbudur Taluk
Kancheepuram District.

4.Mr.C.Jeeva

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the respondents not to lay any road in the petitioners land measuring an extent of Ha 00415 comprised in S.No.85/10, No.140, Alagoor Village, Makanyam Panchayat, Sriperumbudur Taluk, Kancheepuram District without acquiring the said land by following the due process of law.

For Petitioners : Mr.T.Sathiyamoorthy

For R1 & R2 : Mr.V.Jayaprakash Narayanan, Spl.GP

For R3 : Mr.B.Anandan

ORDER

Heard Mr.T.Sathiyamoorthy, learned counsel for the petitioners; Mr.V.Jayaprakash Narayanan, learned Special Government Pleader accepting notice for the respondents 1 and 2; and Mr.B.Anandan,

learned counsel accepting notice for the 3rd respondent and with their consent, the writ petition is disposed of at the admission stage itself.

2.Since the writ petition is disposed of at the admission stage itself, notice to the respondents 4 and 5 is dispensed with and the merits of the allegations made by the petitioners as against the respondents 4 and 5 are not gone into and it is left to the official respondents to consider the same.

3.The petitioners have filed this writ petition seeking for a direction to forbear the official respondents as well as the President of the Village Panchayat, who is the 4th respondent herein, not to form a road in the land comprised in S.No.85/10, No.140, Alagoor Village, Makanyam Panchayat, Sriperumbudur Taluk, Kancheepuram District, measuring an extent of Ha 00415.

4.According to the petitioners, they are the absolute owners of the land and in this regard, reliance has been placed on the Chitta and Adangal wherein Patta No.19 has been issued in the name of the 1st petitioner in respect of the properties in S.No.85/10. Therefore, the petitioners would state that if the 4th respondent proposes to form a public road on the said property, the same cannot be done without acquiring the land. In this regard, an objection has been given to the 2nd respondent on 23.02.2015 which has been acknowledged by the 2nd respondent on 26.02.2015 by Postal Acknowledgment Card.

5.Since the issue involved in this writ petition pertains to a disputed question as to whether the petitioners are the absolute owner of the land and as to whether the road is being formed in a private patta land. This has to be considered by the 2nd respondent who is the competent authority.

6.Accordingly, without going into the merits of the contentions raised by the petitioners, there will be a direction to the 2nd respondent to consider the petitioners' representation dated 23.02.2015 on merits and in accordance with law, after issuing notice to the petitioners as well as to the 4th respondent and pass appropriate orders within a period of ten days from the date of receipt of a copy of this order.

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7.The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The District Collector
Kancheepuram District,
Kancheepuram.
- 2.The Tahsildar
Sriperumbudur Taluk
Sriperumbudur, Kancheepuram District.
- 3.The President
Makanyam Village Panchayat
Makanyam, Sriperumbudur Taluk
Kancheepuram District.

1 cc to Mr.T. Sathiyamoorthy, Advocate, sr. 15886

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kk 23/3

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