

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.04.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.10835 of 2016  
and  
W.M.P.No.9460 of 2016

S.Leenus

...Petitioner

Vs.

1. The Secretary to Government,  
Department of Revenue,  
Government of Tamil Nadu,  
Fort St. George, Chennai - 600 009.
2. The District Collector,  
Kancheepuram District,  
Vandavasi Road,  
Thaiyar Kullam,  
Kancheepuram - 631 501.
3. The President,  
Vengaivasal Village Panchayat,  
Noothencheri, Vengaivasal,  
Chennai - 600 126.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the respondents 2 and 3 to restore the land, viz. the plot, bearing Nos.2A and 8 A, measuring 5372 sq.ft., comprised in S.No.278/1A1A, in Vengaivasal Vilage, Gandhi Nagar Extension, previously, Saidapet Taluk, and presently, Sholinganallur Taluk, Kancheepuram District, to its original position by removing all the materials laid over his land and handover possession of the above land to the petitioner.

For Petitioner : Mr.K.V.Sundararajan  
For Respondents 1 and 2 : Mr.R.Rajeswaran  
Special Government Pleader

For Respondent-3 : Mrs.M.E.Raniselvam  
Additional Government Pleader

## O R D E R

The petitioner has filed this Writ Petition seeking for issuance of a writ of mandamus, directing the respondents 2 and 3 to restore the land, viz. the plot, bearing Nos.2A and 8 A, measuring 5372 sq.ft., comprised in S.No.278/1A1A, in Vengaivasal Vilage, Gandhi Nagar Extension, previously, Saidapet Taluk, and presently, Sholinganallur Taluk, Kancheepuram District, to its original position by removing all the materials laid over his land and handover possession of the above land to the petitioner.

2. The petitioner's case is that his land, as described above, has been illegally encroached upon and road has been formed. Therefore, the petitioner seeks for restoration of the land to its original position and not to interfere with the same.

3. Heard the learned counsel appearing for the petitioner.

4. The learned Additional Government Pleader for the third respondent, on instructions, submits that the third respondent has not laid any road. If that be the stand, then, it is not known as to who formed the road, and how the public money has been spent for formation of the road, that too, on a private property, without the consent of the landowner/petitioner in this case. Though it is stated that the land acquired is for an approved layout, that does not empower the local body to form road in the property, without resorting to a procedure established by law. In spite of time being granted to the respondents to file counter affidavit, no counter affidavit has been filed till date. In any event, the petitioner's representation/objection 28.10.2015, is pending consideration before the second respondent/District Collector.

5. Considering the facts and circumstances of the case, there will be a direction to the second respondent/District Collector, Kancheepuram, to consider the petitioner's representation/objection, dated 28.10.2015, and afford an opportunity of personal hearing to the petitioner to produce documents to establish his case, and after considering all these aspects, the second respondent shall pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

sd

To

1. The Secretary to Government,  
Department of Revenue,  
Government of Tamil Nadu,  
Fort St. George, Chennai - 600 009.
2. The District Collector,  
Kancheepuram District,  
Vandavasi Road,  
Thaiyar Kullam,  
Kancheepuram - 631 501.
3. The President,  
Vengaivasal Village Panchayat,  
Noothencheri, Vengaivasal,  
Chennai - 600 126.

1 cc to Mr.K.V.Sundarrajan, Advocate, sr.24673  
1 cc to Government Pleader, sr.24583

सत्यमेव जयते

Writ Petition No.10835 of 2016

lrs co  
kra 09.05.2016

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