

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.7355 of 2010

and M.P.Nos.1 of 2010 and 1 of 2012

San Jose Matriculation School
Rep. By its Sister Superior,
Rev. Sr.Susan Maria.

.. Petitioner

-vs-

1.The Government of Tamil Nadu,
rep. By its Secretary,
Municipal Administration and
Water Supply Dept., Fort St. George,
Chennai-9.

2.The Director of Town and Country
Planning, 807, Anna Salai,
Chennai 600 002.

3.The Commissioner of Municipal
Administration, 6th Floor, Ezhilagam
Annexe, Chepauk, Chennai-5.

4.The Commissioner of Municipality,
Mettupalayam Municipality,
Mettupalayam 641 301,
Coimbatore District.

5.The District Collector,
Collectorate Campus, Coimbatore.

6.The Thasildhar,
Thasildhar's Office,
Mettupalayam, Coimbatore District.

7.M.Narayanaswamy
(R-7 impleaded as per order
dt.19.12.2011 in MP.1 of 2011)

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records pertaining to the order dated 03.03.2010 in Na.Ka.No.1079/2009/F1 on the file of the 4th respondent, and quash the same on a consequently forthwith forbearing the respondents from in any manner dispossessing the petitioner from the North-Eastern portion of the petitioner's absolute property situated in S.No.281/3 and T.S.No.90 in Block No.29, 31 in Ward B, in Mettupalayam Municipality, Coimbatore District, without due process of law.

For Petitioner : Mr.S.M.Edward Stanley

For Respondents : Mr.R.Vijayakumar
Addl.G.P. for RR 1 to 3, 5 and 6
: Mr.P.Srinivas for R-4

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

In the endeavour to construct a scheme road, the land of the petitioner is sought to be taken over. However, that take over of land has to be naturally in accordance with law through the process of acquisition of land and this has also been made quite apparent in the case of the petitioner by the orders passed in W.P.No.8859 of 2006 on 16.06.2006. In such a situation, it cannot be said that the wall of the petitioner existing on the proposed scheme road is an encroachment.

2.The result of the aforesaid is that the impugned notice is liable to be quashed and is, accordingly, quashed with liberty to the respondents to develop the scheme road after acquiring the land of the petitioner, to which the petitioner has no objection.

3.Writ petition, accordingly, stands allowed. No costs. Consequently, M.P.Nos.1 of 2010 and 1 of 2012 stand closed.

Sd/-
Asst.Registrar (CS V.)

/true copy/

Sub Asst. Registrar

To

1.The Secretary to Govt. of Tamil Nadu,
Municipal Administration and
Water Supply Dept., Fort St. George,
Chennai-9.

2.The Director of Town and Country
Planning, 807, Anna Salai,
Chennai 600 002.

3.The Commissioner of Municipal
Administration, 6th Floor, Ezhilagam
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4.The Commissioner of Municipality,
Mettupalayam Municipality,
Mettupalayam 641 301,Coimbatore District.

5.The District Collector,
Collectorate Campus, Coimbatore.

6.The Thasildhar,
Thasildhar's Office,
Mettupalayam, Coimbatore District.

+2 cc's to M/s.Arul Mary, advocate,sr.69766

+1 cc to Mr.P.Srinivas,advocate,sr.69953

+1 cc to Govt.Pleader,sr.69776.

mg(co)
krd 8/12

W.P.No.7355 of 2010

सत्यमेव जयते

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