

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.22028 of 2016

And

W.M.P.No.18821 of 2016

1.R.Savithri

2.R.Senthil Kumar

3.R.Gopinath

4.R.Hemalatha

... Petitioners

Vs.

1 The Executive Officer
Bhuvanagiri Town Panchayat,
Chidambaram Taluk,
Cuddalore District.

2 The Tahsildar
Chidambaram Taluk,
Cuddalore District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from laying any road in the petitioner's land in R.S.No. 188/4, 188/5, 188/7 & 188/9, Mel Bhuvanagiri Village, Chidambaram Taluk, Cuddalore District without following due process of law.

For Petitioners : Mr.M.Sivavarthanan

For Respondents : Mr.R.A.S.Senthilvel

Additional Government Pleader

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioners claim to the absolute owners of the property situate in Old Survey No.76/1, New No.188/3 which has been sub-divided into R.S.No. 188/4, 188/5, 188/7 & 188/9, Mel Bhuvanagiri Village, Chidambaram Taluk and Natham Land Scheme Patta was also issued to them on 21.02.1994. The petitioners

apprehending dis-possession, on an earlier occasion filed W.P.No.28333 of 2007 and obtained order of ad interim injunction in M.P.No.1 of 2007 against The Special Commissioner and Commissioner of Land Administration, Chepauk, Chennai 5, The District Revenue Officer, Cuddalore, The Sub Collector, Chidambaram and The Revenue Divisional Officer, Chidambaram and according to the petitioners interim order is still in force.

3.The grievance expressed by the petitioners is that the first respondent under the guise of laying the road, has started giving trouble to the petitioners and in this regard, the petitioners in the form of legal notice has sent a representation to the Executive Officer, Engineer of Bhuvanagiri Town Panchayat as well as to the jurisdictional Counselor and the notice to the first respondent returned with the endorsement 'un-claimed' and therefore, came forward to file this writ petition.

4.Heard the submissions of Mr.M.Sivavarthanan, learned counsel appearing for the petitioners and Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

5.Though the petitioners prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioners, permits the petitioners to submit one more representation to the first respondent along with a copy of this order and copy of the legal notice dated 02.04.2016, within a period of one week from the date of receipt of a copy of this order and the first respondent on receipt of the same, is directed to consider the said representation in accordance with law, after putting on notice, the persons concerned and pass orders, within a further period of six weeks thereafter and communicate the decision taken, to the petitioners and till then, shall defer the decision of laying down the road, over the land in question.

6.The writ petition is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is also closed.

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s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1 The Executive Officer
Bhuvanagiri Town Panchayat,
Chidambaram Taluk,
Cuddalore District.

2 The Tahsildar
Chidambaram Taluk,
Cuddalore District.

+ 1 cc to Mr.M.Sivavarthanan, Advocate SR 36378

+ 1 cc to Govt.Pleader SR 35939

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