

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI  
and  
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.40552 of 2015  
and M.P.No.1 of 2015

T.Anna Niraja ... Petitioner

Vs.

1. The Secretary,  
Highways Department,  
Fort St. George, Chennai - 9.
2. The District Collector,  
Kancheepuram - 631 501.
3. The Tahsildar,  
Tiruporur, Kancheepuram District.
4. The Managing Director,  
Tamil Nadu Road Development  
Company Ltd.,  
No.171, 2nd Floor, TNMB Building,  
South Kesavaperumalpuram,  
Greenways Road, R.A.Puram, Chennai - 28.
5. The Highways Engineer (Senior Grade),  
Tamil Nadu Road Development  
Company Ltd.,  
No.171, 2nd Floor, TNMB Building,  
South Kesavaperumalpuram,  
Greenways Road, R.A.Puram,  
Chennai - 28. ... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of mandamus forbearing the fourth and fifth respondents from proceeding against the petitioner till the final orders passed in the petition pending on the file of the fourth and fifth respondents herein.

For Petitioner .. Mr.T.Sundaravadanam  
for Mr.K.Nagendra Prasad

For Respondents.. Mr.P.S.Sivashanmugha Sundaram,  
Spl. Govt. Pleader for R1 to R3  
Mr.M.Sivavarthanam for R4 & R5

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel for the parties, the writ petition is taken up for final disposal.

2.The instant writ petition is preferred, seeking a direction to the respondents to consider the petitioner's representation dated 16 December 2015 before taking any coercive step to evict her from the land in S.No.95/1A4B1B, Muttukadu, Chengalpet.

3.Learned Special Government Pleader appearing for respondents 1 to 3 submits that the representation addressed to the officers is to be adverted to and examined by respondents 4 and 5 on law and on its own merits.

4.On the other hand, the learned counsel appearing for respondents 4 and 5 takes a plea that the land in question was acquired way back in 1996 and also possession thereon was taken by the authorities, contrary to the stand taken by the petitioner that the possession and enjoyment of the land in question continues with the erstwhile vendor from whom the petitioner has purchased the land on 14 February 2000 and thereafter, she is in continuous enjoyment.

5.In view of the aforestated factual matrix and also considering the relief sought by the petitioner in this writ petition, we are not disposed to adjudicate the dispute in the instant writ petition. However, we direct the first respondent to examine the case of the petitioner, adverting to all the issues raised by her and take a decision thereon on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6.With the aforestated observation and direction, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

mmi

s/d-

Assistant Registrar(CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Secretary,  
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Fort St. George, Chennai - 9.
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  3. The Tahsildar,  
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South Kesavaperumalpuram,  
Greenways Road, R.A.Puram,  
Chennai - 28.
- + 1 cc to Mr.M.Sivavarthanan, Advocate SR 16795
- + 1 cc to Govt.Pleader SR 16690
- + 1 cc to Mr.K.Nagendraprasad, Advocate SR 16532

ak(co)  
prk23/3

W.P.No.40552 of 2015

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