

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8.8.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.No.22730 of 2016
and
W.M.P.Nos.19432 & 19433 of 2016

Chinna Mari

Petitioner

Versus

- 1 The District Collector
Salem District Salem.
- 2 The Revenue Divisional Officer
Sankari Salem District.
- 3 The Tahsildar
Sankari Salem District.
- 4 The Executive Officer
Thevur Town Panchayat
Sankari Taluk Salem District.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order dated 24.06.2016 made in Na.Ka.No.219/2016 on the file of the 4th respondent, quash the same and consequently forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property in S.F.No.167/10 Thevur Village, Sankari Taluk, Salem District pursuant to the judgment in O.S.No.488 of 2004 on the file of the District Munsif Court.

For petitioner : Mr.S.V.Jayaraman, Senior Counsel for
Mr.R.Prabakar
For RR1 to 3 : Mrs.A.Srijayanthi,
Special Govt. Pleader
For R4 : Mrs.P.Rajalakshmi Govt. Advocate

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ petition has been filed seeking issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order dated 24.06.2016 made in Na.Ka.No.219/2016 on the file of the 4th respondent, quash the same and consequently forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property in S.F.No.167/10 Thevur Village, Sankari Taluk, Salem District pursuant to the judgment in O.S.No.488 of 2004 on the file of the District Munsif Court.

3. The case of the petitioner is that he is the owner of the properties in Survey Nos.166/14 P.Hec. 0.16.0, 167/10 measuring an extent of P.Hec.0.06.5 and S.F.No.168/14 measuring an extent of P.Hec.0.23.0 lands and other lands in Thevur Village, Sankagiri Taluk, Salem District on the basis of a partition deed in Doc.No.936/1988 and the revenue records stood in his name. His further case is that his lands were sought to be acquired for the purpose of widening the existing road and while other adjacent land owners had gifted their lands to the Panchayat for the purpose of widening the road viz., laying a 20 feet road, he challenged the acquisition by filing a suit in O.S.No.488 of 2004 and obtained an order of injunction in his favour and the appeal filed as against such judgment and decree in A.S.No.6 of 2012 was also dismissed, but, somehow, without notice to him, the patta standing in his name was transferred as if it was gifted to the Panchayat and based on such transaction, the petitioner is denoted as encroacher and sought to be evicted and hence, the present writ petition has been filed.

4. Considering the facts and circumstances of the case, it is hereby ordered that it is for the respondents-authorities to proceed with laying of the 20 feet road, after conducting a survey and if any private land belonging to the petitioner is covered under acquisition, he may be suitably compensated, or else, there would be no order as to payment of compensation. On survey, if the authorities find that any land is encroached, it is also open to the respondents-authorities to remove the encroachment. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

WEB COPY

Sd/-
Assistant Registrar(V)

//True Copy//

Sub Assistant Registrar

ssk.

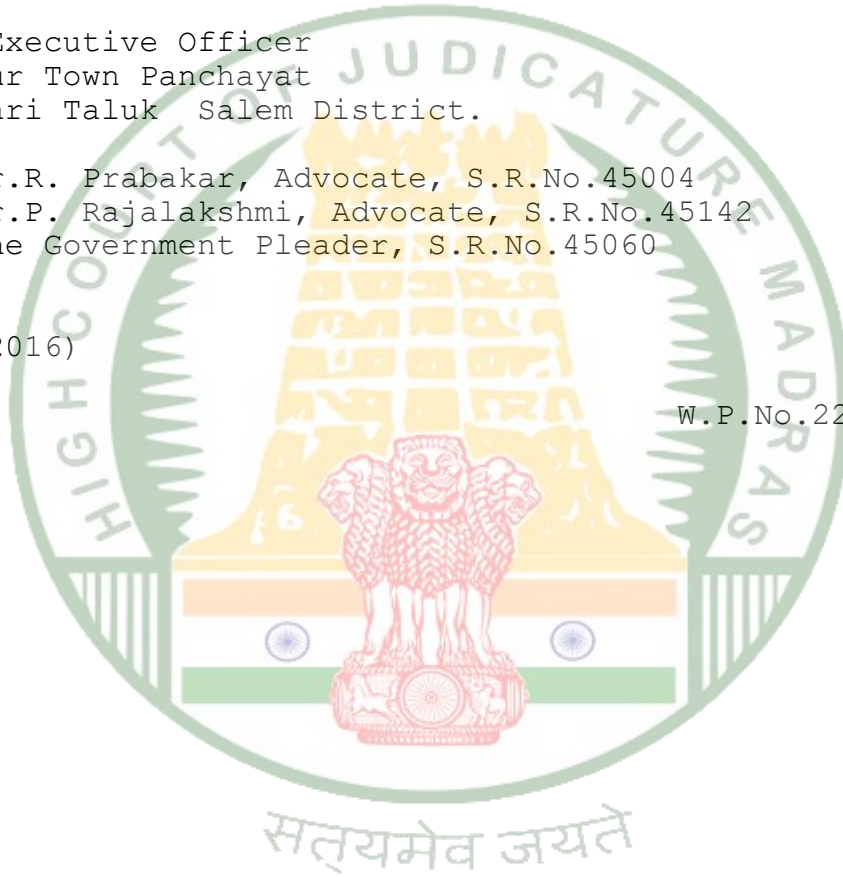
To:

- 1 The District Collector
Salem District Salem.
- 2 The Revenue Divisional Officer
Sankari Salem District.
- 3 The Tahsildar
Sankari Salem District.
- 4 The Executive Officer
Thevur Town Panchayat
Sankari Taluk Salem District.

+1cc to Mr.R. Prabakar, Advocate, S.R.No.45004
+1cc to Mr.P. Rajalakshmi, Advocate, S.R.No.45142
+1cc to the Government Pleader, S.R.No.45060

SCD(CO)
EU(11/08/2016)

W.P.No.22730 of 2016



WEB COPY