

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.27190/2016 & WMP.No.23341/2016

Suseela

.. Petitioner

Versus

1.The Secretary

State Highways Department
Government of Tamil Nadu
Fort St George, Secretariat
Chennai 600 009.

2.The Assistant Divisional Engineer

State Highways, Avadi, Chennai 600054.

3.The Tahsildar

Ambattur Taluk,
Chennai 600054.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents desist from proceeding with digging processes or any other acts including taking over of the petitioner's property bearing Plot No.44, present Door No.15/5, Red Hills Road, Ram Nagar, Ambattur, comprised in Survey No.602/11 [old S.No.602/1] or any part thereof without following due process of law.

For Petitioner : Mr.R.Priyakumar

For R1 to R3 : Mr.R.A.S.Senthilvel, AGP

ORDER

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

2 The petitioner claims to be the sole and absolute owner of the land, house and premises bearing Plot No.44, Present Door No.15/5, Red Hills Road, Ram Nagar, Ambattur, comprised in S.No.602/11, admeasuring to an extent of 2400 sq.ft. It is also an approved layout vide No.T.P./DTP 250 of 1967. The petitioner claims to have acquired the said property by way of a registered

Partition Deed bearing Document No.180/1987 dated 21.01.1987 registered on the file of the Sub Registrar, Ambattur and she was issued with a patta bearing No.2051 by the office of the 3rd respondent. The petitioner further claim tht the house property is also subjected to statutory levies. The grievance expressed by the petitioner is that all of a sudden, on 18.07.2016, an official from the office of the 2nd respondent started marking on the petitioner's property to an extent of 15 feet North to South and 22 feet East to West on the pretext that the said portion is required for extension of Highways. The petitioner in this regard, also raised her objection and it is followed by a representation dated 15.07.2016 requesting the 2nd respondent not to do so and though the said representation was received on 18.07.2016, the threat of dispossession continues and hence, the petitioner came forward to file this writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.R.A.S.Senthilvel, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4 Though the petitioner has prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the same, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 15.07.2016 in accordance with law, after affording an opportunity of personal hearing to the petitioner or to her authorised representative and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner and till then, shall not take any steps to disturb the possession of the petitioner in respect of the above said property.

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

सत्यमेव जयते

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant RegistrarTo

1.The Secretary
State Highways Department
Government of Tamil Nadu
Fort St George, Secretariat
Chennai 600 009.

2.The Assistant Divisional Engineer
State Highways, Avadi, Chennai 600054.

3.The Tahsildar
Ambattur Taluk, Chennai 600054.

+1cc to M/S.Priyakumar, Advocate Sr.44290
+1cc to the Government Pleader Sr.44581

W.P.No.27190/2016

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srg 22/08/2016



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