

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2016

CORAM

THE HON'BLE Mr. JUSTICE T.S.SIVAGNANAM

W.P.No.327 of 2016
and
W.M.P.No.238 of 2016

Dhanapal

.. Petitioner

Vs.

1.The District Collector,
Salem.

2. The Block Development Officer,
Salem.

3. Manikandan,
District Counsellor,
Paranamarathupatti Union,
Nilavarapatti Post,
Salem District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents or their agents from laying road over the land existing S.F.No.103/2B Nilavarapatti Village, Salem District

For Petitioners Mr.K.Sudhakar

For 1st Respondent .. Mr.R.Rajeswaran, Spl.G.P.

For 2nd Respondent .. Mr.K.Karthikeyan

O R D E R

Mr.K.Sudhakar, learned counsel for the petitioner and Mr.R.Rajeswaran, learned Special Government Pleader accepts notice on behalf of the first respondent and Mr.Mr.K.Karthikeyan, learned counsel accepts notice on behalf of the second respondent and with their consent, the writ petition is taken up for final disposal.

2. The Petitioner seeks for a direction to forbear the respondents from laying the road over the land in S.F.No.103/2B Nilavarapatti Village, Salem District.

3. The petitioner claims that his land is a patta land and the allegation is that the third respondent who is the elected counsellor is attempting to form a road on his patta land.

4. The learned counsel appearing for the second respondent submits that there is no proof to show that the legal notice sent by the petitioner on 21.12.2015 has been served by the respondents.

5. Be that as it may, the petitioner claims that the road is being formed in his patta land, it is appropriate for the second respondent to consider the petitioner's complaint. Since there is no proof to show that the representation/legal notice has been served on the second respondent, there shall be a direction to the petitioner to submit a fresh representation along with a copy of this order to the second respondent, who shall consider the same on merits and in accordance with law, within a period of two weeks from the date of receipt of the representation.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS/V)

/true copy/

Sub Asst. Registrar

ssn/rpa

To

1.The District Collector,
Salem.

2. The Block Development Officer,
Salem.

WEB COPY

1 cc to Mr.R. Nalliyappan, Advocate, Sr. 1186
1 cc to Government Pleader, Sr. 1367

W.P.No.327 of 2016

RSY (CO)
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