

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.5359 of 2016
and
WMP.No.4675 of 2016

S.Mahaveer Shivaji

... Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The Tahsildar,
Vandavasi Taluk,
Thiruvannamalai District.

3. The Block Development Officer,
Thellar, Vandavasai Taluk,
Thiruvannamalai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents, their men and agents or their subordinates from laying a road on the petitioner's land comprised in Survey No.166 of 165 situate Sogathur Village, Vandavasi Taluk, Thiruvannamalai District without following due process of law.

For Petitioner : Mr.N.Anand

For Respondents : Mr.P.Sanjai Gandhi
Additional Government Pleader

O R D E R

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

2. The petitioner claims to be the successor in interest of the property comprised in S.Nos.166 and 165 situate at Sogathur Village, Thellar Sub Registration District, Vandavasi Taluk, Thiruvannamalai District admeasuring to an extent of 3.53 acres and 1.64 acres respectively. The grievance

expressed by the petitioner is that the third respondent, without putting the petitioner on notice whatsoever, is trying to put up a road right across the said property and in this regard, the petitioner has sent a legal notice dated 22.01.2016 to the respondents and since no response is forthcoming, came forward to file this writ petition.

3. Heard the submissions of the learned counsel appearing for the petitioner and Mr.P.Sanjai Gandhi, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3.

4. Though the petitioner has prayed for larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected either in the writ petition or in the legal notice, directs the respondents 2 and 3 to consider and dispose of the petitioner's representation/legal notice dated 22.01.2016 in accordance with law after putting on notice the persons concerned 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. Till then, the respondents shall not disturb the possession of the petitioner and it is also made clear that till the disposal of the petitioner's representation/legal notice, the petitioner shall not create any third party rights in respect of the lands in question.

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

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

jvm

To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

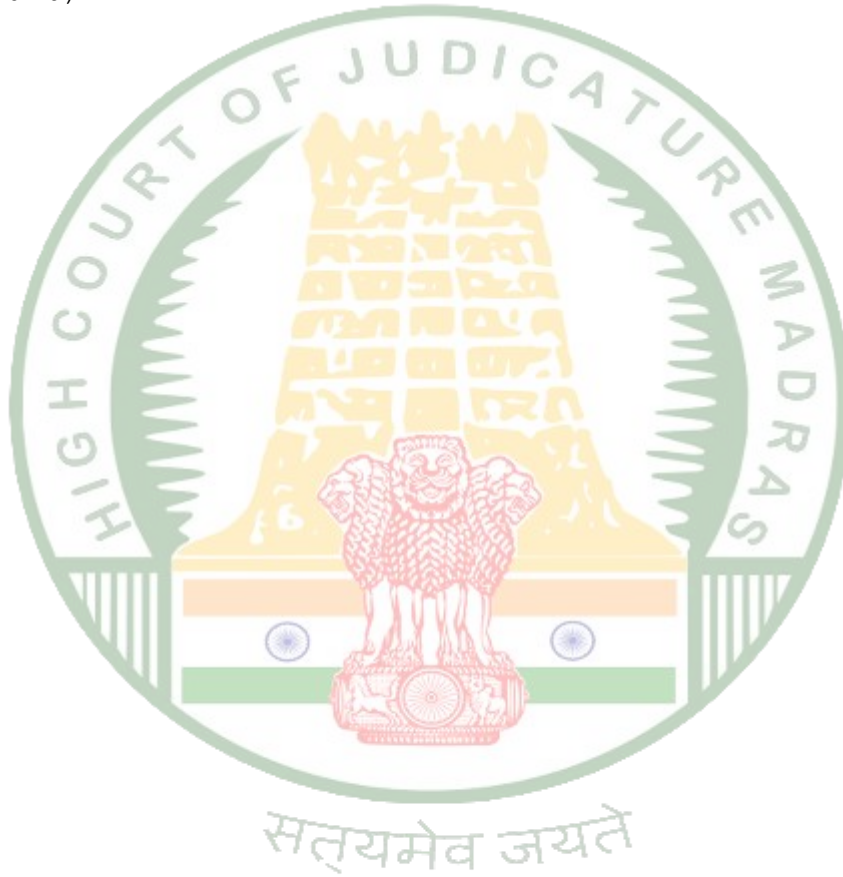
2. The Tahsildar,
Vandavasi Taluk,
Thiruvannamalai District.

3. The Block Development Officer,
Thellar, Vandavasai Taluk,
Thiruvannamalai District.

+1cc to the Government Pleader, S.R.No.38020

W.P.No.5359 of 2016

RJ(CO)
CA(22/07/2016)



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