

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.04.2016

Coram

The Hon'ble Mr. Justice T.S. Sivagnanam

Writ Petition No.5931 of 2016
and
W.M.P.No.5297 of 2016

Balamurugan

...Petitioner

Vs.

1. The District Collector,
Thiruvallur District - 602 001.
2. The Tahsildar,
Uthukottai Taluk,
Thiruvallur District 602 026.
3. The Block Development Officer (Village Panchayat)
Periyappalayam, Ellapuram Union,
Uthukottai Taluk,
Thiruvallur District 601102.
4. The Village Administrative Officer,
Choolaimeni Village,
Uthukottai Taluk,
Thiruvallur District 602 026.
5. The President,
Choolaimeni Village,
Uthukottai Taluk,
Thiruvallur District 602 026.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, restraining the respondents from putting up any construction in the petitioner's land, comprised in S.Nos.244/3B, 244/4, 244/5 and 244/5B situate at Kelkarumanur Village, Choolaimeni Post, Uthukottai Taluk, Thiruvallur District, without due process of law.

For Petitioner : Mr.D.Magesh

For Respondents1-4 : Mr.R.Rajeswaran
Special Government Pleader

O R D E R

The petitioner has filed this Writ Petition, seeking for issuance of Writ of Mandamus, restraining the respondents from putting up any construction in the petitioner's land, comprised in S.Nos.244/3B, 244/4, 244/5 and 244/5B situate at Kelkarumanur Village, Choolaimeni Post, Uthukottai Taluk, Thiruvallur District, without due process of law.

2. Heard the learned counsel appearing for the parties.

3. The case of the petitioner is that he is the owner of the subject land, which is a private patta land, and the fifth respondent/Panchayat has put up a bus shelter in the property, without resorting to any land acquisition proceedings.

4. On notice being issued to the respondents 1 to 4, they have submitted a written instructions to the learned Special Government Pleader, dated 24.02.2016, wherein, it is seen that survey of the area in question, was directed to be conducted, and while the matter was in progress, it appears that the fifth respondent/Panchayat has completed the construction.

5. In the light of the above, there will be a direction to the second respondent/Tahsildar, Uthukottai Taluk, Thiruvallur District, to consider the petitioner's representation, dated 12.02.2016, call for records from the respondents 3 and 4, as it appears that survey has been conducted, and after perusing the entire records, pass a speaking order on merit and in accordance with law. The abovesaid direction be complied with by the second respondent within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Thiruvallur District - 602 001.
2. The Tahsildar,
Uthukottai Taluk,
Thiruvallur District 602 026.
3. The Block Development Officer (Village Panchayat)
Periyappalayam, Ellapuram Union,
Uthukottai Taluk,
Thiruvallur District 601102.
4. The Village Administrative Officer,
Choolaimeni Village,
Uthukottai Taluk,
Thiruvallur District 602 026.
5. The President,
Choolaimeni Village,
Uthukottai Taluk,
Thiruvallur District 602 026.

+1cc to Mr.D.Magesh, Advocate, S.R.No.21808
+1cc to the Government Pleader, S.R.No.21750

Writ Petition No.5931 of 2016

ak(CO)
srg(25/04/2016)

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