

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.6490 of 2016
and
WMP.No.5771 of 2016

K.Sundari

... Petitioner

vs.

1. The District Collector,
Erode District.
2. The Revenue Divisional Officer,
RDO Office, Erode.
3. The Commissioner (Highways)
Department of Highways, Erode.
4. The Assistant Divisional Engineer,
Department of Highways office,
Kodumudi, Erode District.
5. The Tahsildar,
Tahsildar Office,
Erode.

.. Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider the representation of the petitioner dated 17.02.2016 regarding respondents 3 and 4 attempting to demarcate and demolish the shops constructed in petitioner's patta land situated at Re-survey No.510/2, 3 Kandasamypalayam, Kollankoil Village, Erode District.

For Petitioner : Mr.S.Silambu Selvan

For Respondents : Mr.M.Dig Vijaya Pandian, AGP

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider the representation of the petitioner dated 17.02.2016

regarding the attempts made by the respondents 3 and 4 to demarcate and demolish the shops constructed in her patta land situated at Resurvey No.510/2, 3 Kandasampalayam, Kollankoil Village, Erode District.

2. It is the case of the petitioner that her husband by name K.Karuppusamy had given a property measuring about 2640 sq.ft in Re-survey No.510/2, 3, Kandasampalayam, Kollankoil Village, Erode District, to her by way of a settlement deed. Since the property was situated in road side, she had constructed shops to let out for rental purpose. While so, the respondents 3 and 4, with the support of the second respondent, are attempting to demarcate and demolish the petitioner's shops, without following due process of law, as if she had encroached upon the Highways property.

3. According to the petitioner, after making survey and erecting boundary stones, she is in absolute possession of the property and she never encroached any property belonging to the Highways department. She also made a representation dated 17.02.2016 requesting the revenue officials and Highways department to visit her property and take appropriate action, after making enquiry. But, till date, no action has been taken by the respondents. Therefore, the petitioner has filed the present writ petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader, who took notice for the respondents.

5. Considering the limited nature of the relief sought for herein, this Court directs the first respondent to consider the representation of the petitioner dated 17.02.2016, by affording an opportunity of personal hearing to the petitioner as well as other necessary parties, if any, and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the first respondent to pass appropriate orders purely on merits and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.
rk

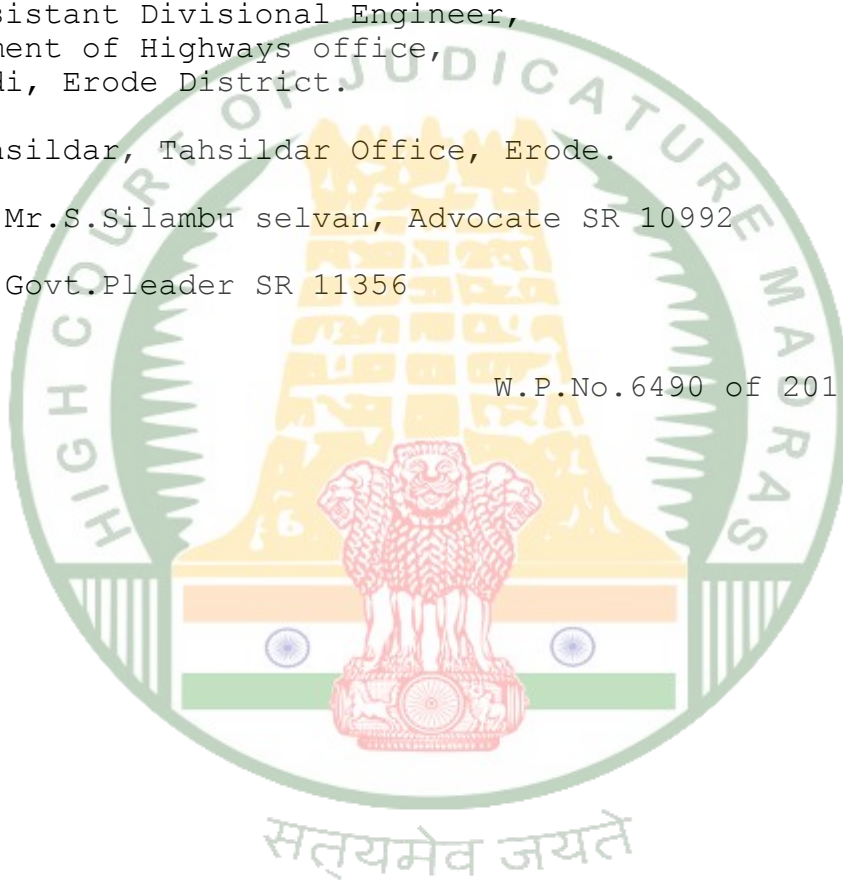
s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The District Collector,
Erode District.
 2. The Revenue Divisional Officer,
RDO Office, Erode.
 3. The Commissioner (Highways)
Department of Highways, Erode.
 4. The Assistant Divisional Engineer,
Department of Highways office,
Kodumudi, Erode District.
 5. The Tahsildar, Tahsildar Office, Erode.
- + 1 cc to Mr.S.Silambu selvan, Advocate SR 10992
+ 1 cc to Govt.Pleader SR 11356
- rsi(co)
prk25/2
- W.P.No.6490 of 2016



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