

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.7493 of 2016
and WMP.No.6710 of 2016

A.Venkatachalam

... Petitioner

Vs.

The District Collector
Salem District,
Salem.

2.The Tahsildar
Attur Taluk,
Salem District.

3.The President
Kattukottai Panchayat
Kattukottai, Attur Taluk,
Salem District.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of mandamus forbearing the respondents herein from laying of permanent panchayat road having a width of 6 meters and to a length of 105.8 meters on the lands belonged to the petitioner in S.Nos.4/13 and 4/14 of Thennootruvari, Kattukottai village, Athur Taluk, Salem District without following the due process of law contemplated for the acquisition of lands for the public purpose.

For Petitioner : Mr.G.Purushothaman

For respondents : Mr.P.Rajalakshmi, GA.

ORDER

With the consent of both sides, the Writ Petition is taken up for final disposal.

2.The petitioner has come forward with the present Writ Petition seeking for issuance of mandamus forbearing the respondents herein from laying of permanent panchayat road having a width of 6 meters and to a length of 105.8 meters on the lands belonged to the petitioner in S.Nos.4/13 and 4/14 of Thennootruvari, Kattukottai village, Athur Taluk, Salem District

without following the due process of law contemplated for the acquisition of lands for the public purpose.

3.The petitioner is a resident of Thennootruvari, Kattukottai village, Attur Taluk, his forefathers purchased the lands and settled before several decades. The petitioner is the owner of the agricultural lands in S.Nos.67/1, 67/2, 71/7, 4/3, 4/6, 4/7, 4/9, 4/13 and 4/14 of Thennootruvai, Kattukottai village. The adjacent land owners belongs to other communities, having grudge over the development of the petitioner and with an ill-motive to grab the lands initiated several litigations, which ended in failure. Then, with the help of the local village panchayat started to put up a permanent road connecting two parallel main roads crossing the lands in S.Nos.4/13 and 4/14 to and extent of 6 meters width and 10.5.8meters length which is highly deplorable.

4.The petitioner submitted an application dated 27.01.2014 by remitting Rs.400/- before the office of the Sub Treasury, Athur requesting to survey the land and put up stones in S.No.71/7, 67/1, 67/2, 4/13 and 4/14. Again, on 29.09.2014 the petitioner remitted Rs.640/- to the Sub Treasury, Athur requesting the second respondent to survey the land in S.Nos.71/7, 67/1, 67/2, 4/3, 4/6, 4/6, 4/7, 4/9 and 4/13, but no communication has been received in this regard. The petitioner submitted his representation to all the respondents on 06.11.2015, to refrain from proceeding with the laying of roads, even if it is in the larger interest of the public, it should be done in the manner known to law.

5.In the meanwhile, on 26.12.2015 stone chips and other materials were brought to the work spot by ascertaining the laying of road in the petitioner's land. Once again, the petitioner on 26.12.2015 submitted his representation requesting the respondents to stop the work and to proceed in accordance with law, after acknowledging the same, the respondents are taking hectic steps to complete laying of permanent panchayat roads without following due process of law. Hence, the petitioner filed the present writ petition.

6.Heard the submissions of learned counsel appearing for the petitioner and the learned Government Advocate who accepts notice on behalf of the respondents.

6.Considering the facts and circumstances and without going into the merits of the same, this Court directs the petitioner to give fresh representation mentioning the survey numbers alongwith the copy of this order before the second respondent, within two weeks from the date of receipt of a copy of this order. On receipt of the same, the second respondent is directed to consider the representation of the petitioner on

merits and in accordance with law, within a period of six weeks, thereon, after affording opportunity of personal hearing to the petitioner as well as to the necessary parties, if any. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Salem District,
Salem.
- 2.The Tahsildar
Attur Taluk,
Salem District.
- 3.The President
Kattukottai Panchayat
Kattukottai, Attur Taluk,
Salem District.

W.P.No.7493 of 2016

ev (CO)
srg (17/03/2016)

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