

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.03.2016

Coram

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

Writ Petition No.8719 of 2016

and

W.M.P.No.7714 of 2016

1. P.Thyagarajan
2. T.Mohandoss
3. T.Shivakumar

...Petitioners

Vs.

1. The District Collector,
Thiruvallur District, Thiruvallur.
2. The Chairman,
Cholavaram Panchayat Union,
Cholavaram, Ponneri Taluk,
Thiruvallur District.
3. The Block Development Officer,
Cholavaram Panchayat Union,
Cholavaram, Ponneri Taluk,
Thiruvallur District.
4. The Tahsildar, Ponneri Taluk,
Thiruvallur District.

(R-4 is suo motto impleaded as per
Order dated 09/03/16 made in WP.NO.8719/16)

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a Writ of Mandamus, forbearing the respondents from taking or using the patta land, comprised in S.No.47/10, in Attanthangal Village, Ponneri Taluk, Thiruvallur District, for any purpose, without following the due process of law.

For Petitioners	:	Mr.Y.Arulmanickam
For Respondents 1 & 4	:	Mr.R.Rajeswaran
		Special Government Pleader
For Respondents 2 & 3	:	Mr.R.Vijayakumar
		Additional Government Pleader

O R D E R

Heard the learned counsel appearing for petitioners, Mr.R.Rajeswaran, the learned Special Government Pleader, who accepts notice on behalf of respondents 1 and 4, and Mr.R.Vijayakumar, learned Additional Government Pleader, who accepts for respondents 2 and 3.

2. The petitioners' grievance is that the respondents 2 and 3 are attempting to form a Road on their patta lands, comprised in S.No.47/10, situate at Attanthangal Village, Ponneri Taluk, Thiruvallur District, without following due process of law. Setting forth the grievance, the petitioners have submitted a representation on 22.02.2016, requesting the District Collector/first respondent, to intervene in the matter. On the same day, another representation has been given to the third respondent, however, those representations have not evoked any response. Hence, this Writ Petition.

3. The first aspect to be seen is as to whether the land comprised in S.No.47/10, is a patta land, belonging to petitioners. The petitioners claimed that patta in respect of the said survey number has been issued in joint names of the petitioners. Therefore, this aspect has to be verified, including other aspects, like, what is the extent of the land, where, the road is being formed, for which purpose, the fourth respondent has to look into the matter. Accordingly, there will be a direction to the petitioners to submit a representation along with a copy of this order to the fourth respondent, who, in turn, is directed to issue notice to the petitioner as well as the second and third respondents and conduct an enquiry, ascertain the full facts, and thereafter, pass orders in accordance with law within a period of two weeks from the date on which, the representation is submitted by the petitioners. Till then, the Road in question shall not be formed.

4. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected W.M.P. is closed.

sd

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector,
Thiruvallur District,
Thiruvallur.

2. The Chairman,
Cholavaram Panchayat Union,
Cholavaram, Ponneri Taluk,
Thiruvallur District.

3. The Block Development Officer,
Cholavaram Panchayat Union,
Cholavaram, Ponneri Taluk,
Thiruvallur District.

4. The Tahsildar,
Ponneri Taluk,
Thiruvallur District.

+ 1 cc to Mr.R.Vijayakumar, Advocate Sr 15148

+ 2 ccs to Mr.Y.Arulmanickam, Advocate Sr 3541 (11/3/16)

KR/10/3/16

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सत्यमेव जयते

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