

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2017

CORAM

THE HONOURABLE Mr. JUSTICE M.DURAI SWAMY

W.P.No. 10881 of 2017 &  
W.M.P.No.11824 of 2017

M. Pandarinathan

...Petitioner

Vs.

1. The Tahsildar,  
Thiruvannamalai Taluk,  
Thiruvannamalai
2. The Divisional Engineer  
Highways Department,  
Thiruvannamalai Division,  
Thiruvannamalai.
3. The Additional Divisional Engineer,  
Highways Department,  
Thiruvannamalai Division,  
Thiruvannamalai.
4. The Road Inspector,  
Highways Department,  
Mangalam, Thiruvannamalai.

...Respondents

Prayer: This Writ Petition filed under Article 226 of the Constitution of India, for the issue of a writ of mandamus directing the respondents not to disturb the petitioner peaceful possession and enjoyment of the property situated in S.No.502/6b, Avalurpet Main Road, Mangalam Village, Thiruvannamalai District, without any due process of law.

For petitioner : Mr.P.Venkatraman

For Respondents : Mr.V.Doraisolaimalai,  
Additional Government Pleader

O R D E R

The petitioner has filed the above writ petition to issue a writ of mandamus, directing the respondents not to disturb the petitioner's peaceful possession and enjoyment of the property

situated in S.No.502/6b, Avalurpet Main Road, Mangalam Village, Thiruvannamalai District, without due process of law.

2. When the matter was came up for admission on 27.04.2017, it was represented that the respondents are trying to dispossess the petitioner without issuing any notice to him. In view of the submission made by the learned counsel for the petitioner, this Court directed the parties maintain status quo.

3. When the matter is taken up for hearing today, Mr.V.Doraisolaimalai, learned Additional Government Pleader, appearing for the respondents, filed the counter affidavit of the 2<sup>nd</sup> respondent, wherein in paragraph No.5, it has been stated as follows:-

" While denying the allegations contained in paragraphs 4 of the writ affidavit it is respectfully submitted that the allegations levelled against the fourth petitioner is false and motivated. It is absolutely false to allege that the fourth respondent had exchange of words or quarrel whatsoever with the petitioner. It is equally false to state that the fourth respondent threatened to demolish the petitioner's house. Moreover, the petitioner's survey No.502/6B did not contain in the eviction list. There is no necessity to evict the petitioner. Hence the allegations in this paragraph are purposely made only to mislead this Hon'ble High Court and thereby to get favourable order in favour of the petitioner."

4. On a reading of the averments, it is clear that the petitioner's land in Survey No.502/6b does not find a place in the eviction list and further, the respondents have no intention to evict the petitioner from the said land.

5. Recording the averments stated in paragraph No.5 of the counter affidavit, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-  
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

cgi/Rj

To

1. The Tahsildar,  
Thiruvannamalai Taluk,  
Thiruvannamalai
2. The Divisional Engineer  
Highways Department,  
Thiruvannamalai Division,  
Thiruvannamalai.
3. The Additional Divisional Engineer,  
Highways Department,  
Thiruvannamalai Division,  
Thiruvannamalai.
4. The Road Inspector,  
Highways Department,  
Mangalam, Thiruvannamalai.

+1cc to Mr.S.Sivakumar, Advocate Sr. 41325

+1ccto the Government Pleader Sr. 41432

SR(CO)  
VR(21/06/2017)

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