

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2017

CORAM :

The Hon'ble Mr.JUSTICE M.SUNDAR

W.P. No.630 of 2012

and

M.P.No.1 of 2012

K.Maria Prakasam

.. Petitioner

Vs.

1.Tamilnadu Highway Department,
rep by its Secretary,
Highways and Minor Ports Department,
Fort St. George,
Chennai.

2.The Superintendent Engineer
(Highways Circle),
Opp to PCC Thirumana Mahal,
Salem Steel Plant Road,
Jagir Ammapalayam,
Salem-302.

3.The Assistant Divisional Engineer,
State Highways Department,
Forest Department Campus,
Cherry Road,
Salem-7.

4.The District Collector,
Collectorate of Salem,
Salem District.

5.The Corporation Commissioner,
Salem Corporation,
Corporation Building Campus,
Salem.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus forbearing the respondents and their subordinates from interfering with the petitioner's peaceful possession and enjoyment or evict the petitioner from the lands situated at No.224, Omalur Main Road, Salem-7, comprised in S.No.49/pt Block No.19, Ward No."C", Salem.

For Petitioner : Mr.K.Sasidaran

For Respondents: Mr.R.Vijayakumar, AGP

ORDER

With the consent of the learned counsel appearing for the parties, the writ petition itself is taken up for disposal.

2 This writ petition has been filed, seeking to forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of the land situated in S.No.49/pt, Block No.19, Ward No.'C', Salem.

3 This matter turns on a very narrow compass. It is the case of the writ petitioner that she is the owner of 1450 square feet of housing plot in T.S.No.49/Pt., Block No.19, Ward 'C', Salem Town.

4 It is the specific case of the writ petitioner that the above said plot was allotted to her by the Tamil Nadu Housing Board in and by a sale deed (styled and captioned as Pucca Sale Deed) dated 25.11.1992. The claim of the writ petitioner is that she has patta for the above said plot though patta copy has not been produced. However, a copy of the TSLR extract has been annexed to the typed set of papers.

5 It is the case of the writ petitioner that she has put up shops in the said plot and has let out the same to tenants for commercial use.

6 It is also the case of the writ petitioner that the respondents, namely, Tamil Nadu Highways Department are disturbing her possession on the ground that road is going to be widened.

7 Prayer in the writ petition is for a mandamus to forbear the respondents from interfering with the petitioner's peaceful possession and enjoyment of the above said plot.

8 Learned Additional Government Pleader Mr.R.Vijayakumar appearing for all the respondents would submit that they would proceed only in accordance with the Tamil Nadu Highways Act, 2001 (hereinafter referred to as the "Highways Act"). This submission is recorded.

9 This court is informed that the respondents would proceed under the Tamil Nadu Highways Act, 2001 and would specify the land that is required and put the writ petitioner on notice under Section 28(2)(ii) of the said Act. If the respondents so proceed, it will be open to the writ petitioner to raise whatever objections she has. Besides this, the apprehension that the respondents are attempting to dispossess her de hors the due process of law is also put to rest in the light of the submissions of the learned Additional Government Pleader, which has been recorded supra.

10 Owing to all that have been stated supra, the writ petition is disposed of recording the submissions of the learned Additional Government Pleader. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

vvk

To

- 1.The Secretary,
Tamilnadu Highway Department,
Highways and Minor Ports Department,
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Chennai.
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+1 cc to Mr.A.Gokulakrishnan Advocate sr 41365

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