

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2017

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.26621/2017

S.Nirmala

...

Petitioner

Vs

1 The Divisional Engineer
[Highways], Beach Road,
Cuddalore 607 001.

2 The Assistant Divisional Engineer
[Highways], Panruti, Panruti Taluk
Cuddalore District.

3 The Secretary
Palur Panchayat, Panruti Taluk
Cuddalore District.

4 Veerakumar

5 Selvam

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance a Writ of mandamus directing the respondents 1 to 3 to remove the huts raised by respondents 4 and 5 in S.No.144 of Palur Village, Panruti Taluk, Cuddalore District.

For Petitioner : Mr.R.Gururaj
For R1 to R3 : Mr.A.N.Thambidurai, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition itself is taken up for final disposal. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 3.

2 The petitioner, in the affidavit filed in support of this writ petition would aver among other things that she is owner of the land admeasuring to an extent of 0.10 cents in New Survey No.138/2 [Old Survey No.503/1], Palur Village, Panruti Taluk, Cuddalore District, by virtue of a registered Sale Deed dated 14.03.2012 and claims to be in possession and enjoyment of the same right from the date of the Sale Deed. She would further aver that the said property has been sub-divided as New.S.Nos.138/2A and according to her, the respondents 4 and 5 had encroached upon the road margin of Palur-Sitharasur main Road and while doing so, they have blocked the access to the above said property. The petitioner, in this regard, has submitted a representation dated 20.07.2017 to the respondents and though the said representation has been received

and acknowledged, the respondents are yet to take any kind of action and hence, the petitioner is constrained to approach this Court, by filing the present writ petition.

3 Heard the submissions of the learned counsel for the petitioner and Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 1 to 3.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in her representation or in this writ petition, directs the respondents 1 to 3 to put the respondents 4 and 5 on notice and thereafter, consider and dispose of the petitioner's representation dated 20.07.2017 on merits and in accordance with law and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as to the respondents 4 and 5 herein.

M.SATHYANARAYANAN, J.,

and
N.SESHASAYEE, J.,
 AP

5 The writ petition is disposed of with the above direction. No costs.

[M.S.N., J.] [N.S.S., J.]
 11.10.2017

Internet : Yes
 AP

To

- 1 The Divisional Engineer
 [Highways], Beach Road,
 Cuddalore 607 001.
- 2 The Assistant Divisional Engineer
 [Highways], Panruti, Panruti Taluk
 Cuddalore District.
- 3 The Secretary
 Palur Panchayat, Panruti Taluk
 Cuddalore District.

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