



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.12.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P. (MD) No.20805 of 2017
and W.M.P.No.17090 of 2017**

V.M.Chandrasekaran @ Chandran

... Petitioner

vs.

1. The District Collector
Tirunelveli,
Tirunelveli District
2. The Tahsildar,
Sankarankoil Taluk
Tirunelveli District
3. The Sankarankoil Municipality
Rep. by its Commissioner,
Tirunelveli District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus to direct the respondents not to lay road in Old S.No.258/6 and New S.No.77, measuring 6 cents in Bharathiyar 8th street, Sankarankoil Village, Tirunelveli District.

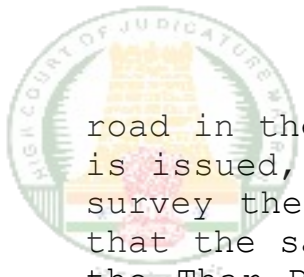
For Petitioners : Mr.R.J.Karthick

For Respondents : Mr.M.Alagadevan
Spl. Government Pleader for R1 & R2
Mr.P.Mahendran for R3
standing counsel for Municipality

ORDER

This Writ Petition has been filed for a direction to the respondents not to lay road in Old S.No.258/6 and New S.No.77, measuring 6 cents in Bharathiyar 8th street, Sankarankoil Village, Tirunelveli District.

2. It is the case of the petitioner that the land in Old S.No.258/6 and New S.No.77 belongs to the petitioner and his brothers. While so, the 3rd respondent is taking steps to lay a



road in the said land. Since no acquisition proceedings or notice is issued, the petitioner's brother sought the third respondent to survey the land. While surveying the said land, it came to light that the said property is a private property. It is seen that the the Thar Road is proposed to be laid connecting Ilavankulam main road and Thiruvengadam road through the petitioner's property. Therefore, the petitioner made a representation to the 3rd respondent on 30.10.2017. Since the said representation has not been considered by the third respondent, the petitioner is before this Court with this writ petition.

3. Heard the learned counsel for the petitioner, learned Special Government Pleader for the respondents 1 and 2 and the learned counsel for the 3rd respondent Municipality.

4. Today, the third respondent has filed a counter affidavit, in which, in Paragraph Nos.7 and 8, it has been stated as follows:

"7.I submit that there after due negotiations were made between the writ petitioner and the respondent Municipality, taking into consideration the welfare of the public more fully to use the tar road, and so as to avoid any loss to the writ petitioner by way of amicable settlement and accordingly the same was reduced in writing also by way of a deed wherein the land comprised in Ward B, Block No.17 in T.S.No.51 of an extent of 548 sq. ft which belongs to this respondent municipality being exchanged towards the land taken by this municipality from the writ petitioner in his land in Ward B, Block No.17 Town Survey No.77 of an extent of 532 sq. ft. This deed was executed more fully on acceptance by either parties and also by following the procedure laid down under the Municipalities Act and in accordance with law.

8.It is submitted that even though the deed was executed as stated above, the respondent Municipality could not lay the remaining tar road in the above said areas due to pendency of the above writ petition. It is therefore, just and necessary that this Hon'ble Court may be pleased to record the above developments that took place and the issue in the above writ petitioner has been amicably settled by both the parties. Hence it is further just and necessary that this Hon'ble Court may be pleased to permit this respondent municipality to lay the tar road in the remaining portion of the area in view of the above settlement."

<https://hcservices.courts.gov.in/hcservices> 5. On perusing the contents of the counter affidavit, since both the parties arrived at an amicable settlement, no further orders are necessary in this writ petition. Accordingly, this writ



petition is closed. No costs. Consequently connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar

To

1. The District Collector
Tirunelveli,
Tirunelveli District.
2. The Tahsildar,
Sankarankoil Taluk,
Tirunelveli District.
3. The Commissioner,
Sankarankoil Municipality,
Tirunelveli District.

+ 1 cc TO Mr.R.J.Karthick , Advocate in SR No. 91657
+ 2 ccs TO Mr.P.Mahendran , Advocate in SR No. 91772
+ 1 cc TO The Special Government Pleader in SR No. 91691

RR

AE/SV MMS/SAR1/11.12.2017/3P/8C

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