



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 15.12.2017

CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.12938 of 2013
and
MP(MD)No.1 of 2013

Balasubramanian

... Petitioner

vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi,
Tirunelveli District.

3.The Tahsildar,
Sencottai Taluk,Sencottai,
Tirunelveli District.

4.The President,
Elathur Village Panchayat,
Sencottai Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents from making any road in the lands of the petitioner in 0.14.17 hectare in new survey No.36/8, Elathur Village, Sencottai Taluk, Tirunelveli District without getting any voluntary transfer or acquisition.

For Petitioner: Mr.F.X.Eugine

For R1 to R3 : Mr.M.Alagathevan
Special Government Pleader

For R - 4 : Mr.V.Pandi

O R D E R

This writ petition has been filed, seeking to forbear the respondents from making any road in the lands of the petitioner in survey No.36/8, Elathur Village, Sencottai Taluk, Tirunelveli District, to the extent of 0.14.17 hectare, without getting any voluntary transfer or acquisition.



2. Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader for the respondents 1 to 3 and the learned counsel for the fourth respondent.

3. The case of the petitioner is that the fourth respondent is proposed to lay a road in the above mentioned petitioner's land and in order to stop the said proposal, the petitioner has given a representation dated 23.07.2013 to the fourth respondent and the same was returned with an endorsement 'refused'. It is the grievance of the petitioner that neither acquisition nor transfer was made in respect of the land in question and therefore, the petitioner is before this Court with the above stated prayer.

4. Since the representation of the petitioner is of the year 2013, due to passage of time, no direction can be given as such. Therefore, the petitioner is directed to furnish a copy of the said representation along with a copy of this order to the fourth respondent, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the same shall be considered and appropriate orders passed thereon, within a period of six weeks thereafter, after affording an opportunity of hearing to the petitioner and any of the interested parties.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, MP(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi,
Tirunelveli District.
3. The Tahsildar,
Sencottai Taluk,
Tirunelveli District.

W.P(MD) No.12938 of 2013
15.12.2017

MJ