



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.09.2018

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
W.P. No.2917 of 2011 &
M.P.No.1 of 2011

C.Pachaiyammal

.. Petitioner

Vs.

1.The District Collector,
Villupuram.

2.The Divisional Engineer,
National Highways Authority,
Gingee.

3.The Thasildar,
Gingee Taluk.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents from demolishing the property in door No.1, in Survey No.92, Sakkarapuram Villge, Gingee Taluk without due process of law.

For Petitioner : Mr.V.Bhiman
For Respondents : Mr.B.Anand
Government Advocate

O R D E R

Heard Mr.V.Bhiman, learned counsel for the petitioner; Mr.B.Anand, learned Government Advocate for the respondents and perused the materials available on record.

2. The petitioner has come forward with this Writ Petition for issuance of Writ of Mandamus, forbearing the respondents from demolishing the property bearing Door No.1, in Survey No.92, Sakkarapuram Villge, Gingee Taluk without due process of law.

3. The petitioner would state that she has been residing and running a small shop constructed in Survey No.92 in Sakkarapuram Villge, Gingee, for over 43 years and



WEB COPY

she is also paying tax to the Authorities since 1964 and got electricity service connection from 1977. The petitioner would allege that in the suit in O.S.No.57 of 2010 filed before the Principal District Munsif, Gingee, the third respondent has filed a counter stating that encroachment in Sakkarapuram Villge, would be removed within a period of 20 days. Though Survey No.92 was not mentioned, she had an apprehension of demolition of the house by the second respondent.

4. A common counter has been filed by the respondents 1 to 3, in which, it has been stated that in Survey No.92, the petitioner said to have constructed a house belongs to Town Panchayat and hence, a Highway Department is not connected with the land detailed in Survey No.92.

5. In the case on hand, the Writ Petition has been filed on the basis that the second respondent had issued a 'Tom Tom' to demolish the building in Sakkarapuram Villge. In view of the counter filed by the respondents, the apprehension of the petitioner appears to be without any basis. If any action is taken by the Town Panchayat, the petitioner is entitled to resist the same in accordance with law.

6. With the above observation, the Writ Petition is disposed of. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS v)

//True Copy//

Sub Assistant Registrar

r n s

1.The District Collector,
Villupuram.

2.The Divisional Engineer,
National Highways Authority,
Gingee.

3.The Thasildar,
Gingee Taluk.

+1cc to Mr.V.Bhiman , Advocate SR.No. 66960

W.P. No.2917 of 2011 &
M.P.No.1 of 2011

ASK(14/11/2018)