

IN THE HIGH COURT OF JUDICATURE, AT MADRAS

DATED: 25.06.2018

CORAM:

THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

WP.No.11923 of 2008

1.N.Kanniappan
2.K.Kasinathan

... Petitioners

Versus

The President,
Mathur, Village Panchayat,
Chennai - 60.

... Respondent

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus, forbearing the respondents to proceeding further in laying road in the patta land belong to the petitioners in S.No.44/2A of Manjambakkam Village and S.No.169/2B of Mathur Village, Ambattur Taluk, Thiruvallur District.

For Petitioners: Mr.S.Ramesh

For Respondent : Mr.S.Neduncheizhan
for Mr.G.Sankaran

O R D E R

The petitioners claim to be the owners of the land comprised in S.No.169/2B, of Mathur Village, Ambattur Taluk, Thiruvallur District and in S.No.44/2A of Manjambakkam Village, measuring a total extent of 21 cents, having purchased the same by a Registered Sale deed dated 14.06.2004.

2. According to the petitioners, after purchasing the property, they have also mutated the revenue records and also obtained Patta in their favour. While so, the respondents attempted to lay a road in the property belonged to the petitioners. However, before such an attempt being made by the respondents they have not issued any notice to the petitioners. The petitioners also submitted that the respondents can interfere with the property right of the petitioners only after following the due process of law, but the same was not followed in this case. Therefore, the petitioners have filed this present writ petition for Mandamus to forbear the respondents interfere with his peaceful possession and enjoyment of the property in question.

3. When the writ petition was taken up for hearing, this Court by order dated 13.06.2008 granted an order of interim

injunction for a period of two weeks, which was subsequently extended from time to time. Ultimately, the interim injunction granted by this Court was made absolute on 24.03.2011.

4. Today, the learned counsel for the petitioners fairly submitted that the respondents have dropped the proposal to lay a road in their property and therefore, the relief sought for in this writ petition has become infructuous.

5. Having regard to the above submissions of the learned counsel for the petitioners, this Court is of the view that nothing survives for adjudication in this writ petition and the relief sought for has become infructuous. Accordingly, the Writ petition is dismissed as infructuous. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The President,
Mathur, Village Panchayat,
Chennai - 60.

+1cc to Mr.S.Ramesh, Advocate sr.no.46720

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br(co)
nr 25/09/2018

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