

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2018

CORAM

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Writ Petition No.15300 of 2010
and MP.No.1 of 2010

V.Venugopal

... Petitioner

Vs.

1. The Collector,
Kancheepuram District,
Kancheepuram.

2. The Block Development Officer
Office of the Block Development Officer,
Lathur Block, Pavunjur - 603 312.

3. The President
Vadapattinam Village Panchayat
Kuvathur P.O. - 603 305
Cheyyar Taluk, Kancheepuram District.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents, particularly the 3rd respondent, to refrain from sinking a bore well, laying pipelines and constructing a motor room and overhead tank, on my land, in Survey Nos. 289/3A 3A and 289/3A 3B in Vadapattinam Village, Cheyyoor Taluk, Kancheepuram District, without following the due process of law and further direct the 3rd respondent to remove the already laid pipelines and bore well sunk in the petitioner's land and pay a compensation of Rs.1.20 lakh to the petitioner towards damages caused by the removal of the fence around his lands.

For Petitioner :Mr.N. Chandra Raja for
M/s.Raj and Raj Associates

For Respondents :Mr. J.Ramesh,
Addl. Government Pleader for R1 & R2.
Mr.J.Raja Kalifulla for R3.

ORDER

The petitioner has come up with the present writ petition for a mandamus directing the respondents particularly the 3rd respondent, to refrain from sinking a bore well, laying

pipelines and constructing a motor room and overhead tank, on his lands in Survey Nos. 289/3A, 3A and 289/3A, 3B in Vadapattinam Village, Cheyyoor Taluk, Kancheepuram District, without following the due process of law and further directing the 3rd respondent to remove the already laid pipelines and bore well sunk in his land and pay a compensation of Rs.1.20 lakh towards damages caused by the removal of the fence around his lands.

2.It is the case of the petitioner that he had purchased the lands in S.Nos.289/3A1A, 289/3A3A, 289/3A3B in Vadapattinam Village, Cheyyur Taluk, Kancheepuram District measuring to a total extent of 4.32 acres through a sale deed dated 31.03.1960 bearing Document No.920 of 1960 on the file of the Sub Registrar, Maduranthagam. He used to visit the aforesaid lands once in three months. During his last visit in the first week of July 2010, he found that a bore well was sunk and the pipelines were laid across his lands in S.Nos.289/3A 3A and 289/3A 3B. On enquiry, he came to understand that all these activities were done by the third respondent. Further, he came to know that the third respondent proposed to construct a motor room and overhead water tank in the lands of the petitioner. According to the petitioner, such action of the third respondent without issuing any notice to him is arbitrary, illegal and contrary to law. Hence, he submitted a representation dated 10.07.2010 to the first respondent requesting to restrain the third respondent from doing such activities in his lands. Finding no response on the said representation, he has filed the present writ petition for the above stated relief.

3.Today, when the matter is taken up for consideration, the learned counsel for the petitioner, on instructions, submitted that the petitioner is no more and hence, his legal heirs may be permitted to pursue the claim made in this writ petition by way of a fresh representation, due to efflux of time.

4.Heard the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel for the third respondent and perused the materials placed before this Court.

5.Considering the facts and circumstances of the case and also taking note of the submissions made by the learned counsel on either side, this Court disposes of this writ petition, leaving it open to the legal heirs of the petitioner to approach the respondents with a fresh representation to ventilate their grievances within a period of two weeks from the date of receipt of a copy of this order. On such approach, the respondents are directed to consider the same and pass appropriate orders, on merits and in accordance with law, after affording an

opportunity of personal hearing to all the parties, within a period of six weeks thereafter. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-
Assistant Registrar (CS VII)

True Copy

Sub-Assistant Registrar

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To

1. The Collector,
Kancheepuram District,
Kancheepuram.

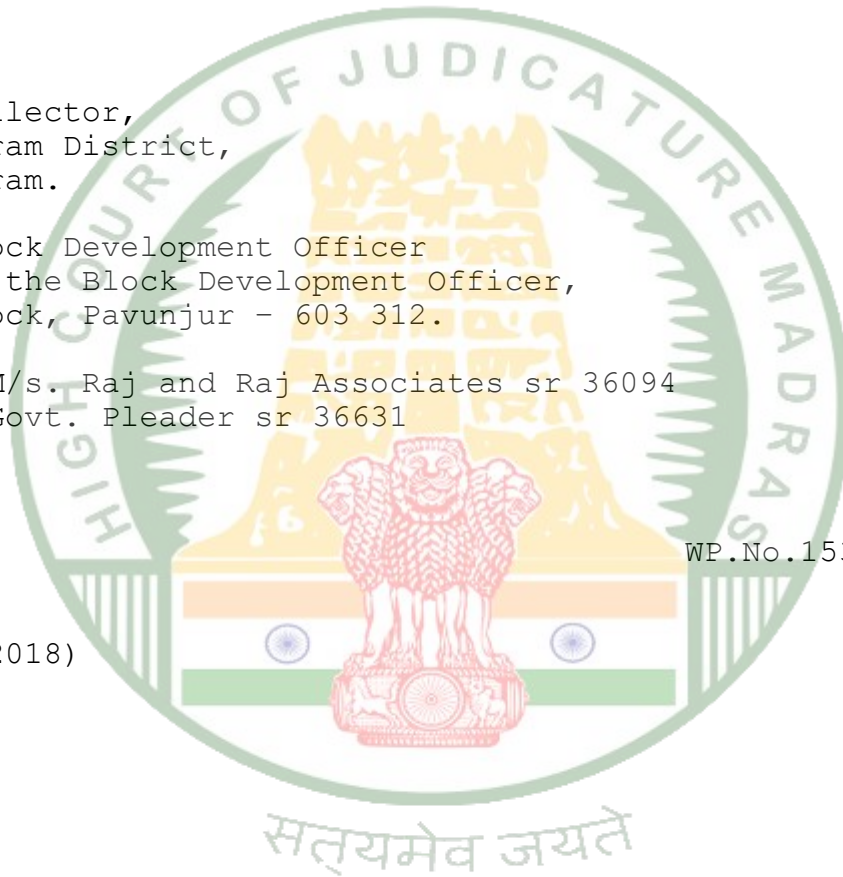
2. The Block Development Officer
Office of the Block Development Officer,
Lathur Block, Pavunjur - 603 312.

+1 CC to M/s. Raj and Raj Associates sr 36094

+1 CC to Govt. Pleader sr 36631

WP.No.15300 of 2010

BS (CO)
SP (04/07/2018)



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