

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.07.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 843 of 2019
and
W.M.P. No. 936 of 2019

P. Senthil Kumar

... Petitioner

Vs.

1. The District Collector,
Office of the Collectorate,
The Nilgiris District.
2. The Chief Engineer,
National Highways,
No. 76, Sardar Patel Road,
Guindy, Chennai - 600 025.
3. The Superintending Engineer,
National Highways,
Salem.
4. The Divisional Engineer,
National Highways,
Gobichettipalayam.
5. The Assistant Divisional Engineer,
National Highways,
Udhagamandalam.
6. The Commissioner,
Udhagamandalam Municipality,
Hospital Road,
Upper Bazaar,
Ooty, Nilgiris District.
7. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Udhagamandalam,
Nilgiris District.

... Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents from making any sort of excavation for the purpose of forming road in the Petitioner's land and building in door No. 232/M-2, New Door No. 9 comprised in R.S.No. 733 and New T.S. No. K-6/57 of an extent of three cents in Udhagamandalam, Nilgiris District, pertaining to the registered sale deed in Doc. No. 842 of 2015 on the basis of the Petitioner's representation dated 29.12.2018.

For Petitioner : Mr. J. Franklin

For Respondents : Mr. R. Venkatesh for R1 to R5 and R7

No appearance for R6

O R D E R

The Writ Petition has been filed seeking to forbear the Respondents from making any sort of excavation for the purpose of forming road in the land and building of the Petitioner in Door No. 232/M-2, New door No. 9 comprised in R.S. No. 733 & T.S. No. K-6/57 of an extent of 3 cents in Udhagamandalam, Nilgiris District, pertaining to the registered sale deed bearing document No. 842 of 2015 on the basis of the representation dated 29.12.2018 made by the Petitioner.

2. The Fifth Respondent has filed Counter Affidavit dated 13.06.2019 in which it has been stated as follows:-

"5. I, state that the Property, referred in the Writ Petition is private Property belongs to Petitioner and no way its required for widening of Road by the Highways Department.

6. The Respondent, Highways Department further submit that the above said 'Road Safety improvements including Construction of Retaining Wall & Breast Wall, Provision of foot path & Drain, Improvements of Junctions, Road Furniture, etc., from Km. 428/0 - 249/800 & Km. 431/900 - 434/4 in Ooty Town on NH 67, 2016-17' especially near the Writ Petitioner's Scheduled Property has been already reached the stage of completion of work and the work also attained completion without any damage to the Writ Petitioner's Scheduled Property."

In view of the aforesaid factual statements made by the Fifth Respondent, which is recorded, nothing survives for further adjudication in the Writ Petition.

3. Accordingly, the Writ Petition is disposed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

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Office of the Revenue Divisional Officer,
Udhagamandalam, Nilgris District.

+lcc to Mr.J.Franklin, Advocate Sr.59818

W.P. No. 843 of 2019

nr[co]
srg 26/07/2019