



WEB COPY

W.P.(MD).No.15398 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.15398 of 2015

and

M.P.(MD).No.1 of 2015

S.Mahadevan

.. Petitioner

Vs.

1.The State Rep. by
Principal Secretary of Government of Tamil Nadu
Highways Department,
St. George Fort,
Chennai.

2.The Executive Engineer,
Highways Department,
Ettaiyapuram Road,
Thoothukudi District.

3.The Assistant Divisional Engineer,
Highways Department,
Ettaiyapuram Road,
Thoothukudi District.

4.The Junior Engineer,
Highways Department,
Ettaiyapuram Road,
Thoothukudi District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Mandamus, forbearing the respondents from extending the Ettaiyapuram road in petitioner's patta land situated in S.No. 3304/1 and 3305/1, Ettaiyapuram Road, Thoothukudi District, without acquiring the same in accordance with law by considering the representation dated 18.08.2015 preferred by the petitioner within the time that may be stipulated by this Court.

For Petitioner	:	Mr.A.Velan for M/s. Ajmal Associates
For Respondents	:	Mr.B.Bhagawathi Additional Government Pleader

ORDER

This writ petition has been filed for the issuance of writ of Mandamus forbearing the respondents from extending the Ettaiyapuram road in petitioner's patta land situated in S.No. 3304/1 and 3305/1, Ettaiyapuram Road, Thoothukudi District, without acquiring the same in accordance with law by considering the representation dated



18.08.2015 preferred by the petitioner within the time that may be stipulated by this Court.

2.The petitioner claims ownership over the land in S.Nos.3304/1 and 3305/1 in Ettaiyapuram Road, Thoothukudi District to an extent of about 28 sq. meters. The petitioner finding that the respondents made an attempt to tress pass into his patta land on the pretext of widening the Ettaiyapuram Road, sent a representation calling upon the respondents to refrain from entering into his property.

3.The learned counsel, however, admits before this Court that a road has been formed including a portion of the property, which is claimed to be in the petitioner's patta land. As the land utilized for public purpose, this court is not inclined to entertain this petition to protect the possession of the petitioner.

4.Accordingly this writ petition is dismissed as infructuous. However, liberty is given to the petitioner to work out his remedy in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (crl side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

1.The Principal Secretary of Government of Tamil Nadu
Highways Department,
St. George Fort,
Chennai.

2.The Executive Engineer,
Highways Department,
Ettaiyapuram Road,
Thoothukudi District.

3.The Assistant Divisional Engineer,
Highways Department,
Ettaiyapuram Road,
Thoothukudi District.



4.The Junior Engineer,
Highways Department,
Ettaiyapuram Road,
Thoothukudi District.

+1 CC to SPL.GP (SR-105297[F] dated 17/12/2019)

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-105645[F] dated
18/12/2019)

W.P.(MD).No.15398 of 2015
16.12.2019

VB(10.01.2020) 3P 7C