

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 31.01.2020
CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. No.25386 of 2013
and
Contempt Petition No.2419 of 2013
and
MP No.1 of 2013
and
MP No.1 of 2014

Pushpalatha ... Petitioner
in W.P. No.25386 of 2013

versus

1. The Tahsildar,
Virudhachalam,
Cuddalore District.

2. The Assistant Divisional Engineer,
Highways,
Virudhachalam,
Cuddalore District.

3. The President,
Puliyur Village Panchayat,
Puliyur,
Virudhachalam Taluk,
Cuddalore District.

... Respondents
in W.P. No.25386 of 2013

Pushpalatha

... Petitioner
in Contempt Petition
No.2419 of 2013

versus

Viswanathan
Tahsildar,
Vridhachalam Taluk,
Vridhachalam,
Cuddalore District.

Respondent in
Contempt Petition
No.2419 of 2013

Prayer in W.P. No.25386 of 2013

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the entire records relating to the impugned order passed by the 1st respondent in his proceedings Na.Ka.B7-7147-2013, dated 29.08.2013 and quash the same.

Prayer in Contempt Petition No.2419 of 2013

Contempt Petition filed under Section 11 of Contempt of Courts Act to punish the respondent herein for his wilful disobedience and non-compliance of the orders in MP No.1 of 2013 in W.P. No.25386 of 2013, dated 06.09.2013.

For W.P. No.25386 of 2013

For petitioner : Mrs.R.Hemalatha
for
Mr.C.Prakasam
For respondents : Mr.R.S. Selvam,
Government Advocate for
R1 & R2
Ms.P.Kavitha for R3

For Contempt Petition No.2419 of 2013

For petitioner : Mrs.R.Hemalatha
for
Mr.C.Prakasam
For respondent : Mr.R.S. Selvam,
Government Advocate

ORDER

This writ petition has been filed challenging the order dated 29.08.2013 passed by the first respondent directing the petitioner to vacate the house occupied by her on or before 06.09.2013.

2. It is the case of the petitioner that she is having a patta in her name in respect of her property in Survey No.335/15 measuring an extent of 3cents in Block No.21, Puliur Village, Vridhachalam Taluk, Cuddalore District.

3. According to her, a house site was assigned to her by the first respondent on 05.11.2008 and thereafter, a patta has been issued in her favour. According to her, she and her family have

been residing in the aforementioned property for the past 40 years. According to her, the third respondent with an ulterior motive instigated the respondents 1 and 2 to evict the petitioner from the house site under the guise that the petitioner has encroached upon the Highway land. Aggrieved by the impugned order dated 29.08.2013, this writ petition has been filed.

4. Heard Mrs. R. Hemalatha, learned counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate appearing for respondents 1 and 2 and Ms.P.Kavitha, learned counsel for the 3rd respondent.

5. The respondents have filed their counter stating that the land which is the subject matter of this writ petition belongs to the State Highways. The petitioner has obtained an interim stay of the impugned order on 06.09.2013 in MP No.1 of 2013. Thereafter, she filed a contempt petition viz., Contempt Petition No.2419 of 2013 for the alleged disobedience of the interim order by the respondent. In the Contempt petition, the respondent / 1st respondent in W.P. No.25386 of 2013 has also filed his counter, wherein he has categorically stated that the patta which the petitioner claim to be issued in her favour is a bogus patta and further, he has also categorically pleaded that the land which is the subject matter of this writ petition belongs to the State Highways. No contra evidence has been produced by the petitioner to disprove the contention of the first respondent.

6. For the foregoing reasons, this Court is of the considered view that the petitioner does not have any right over the property and this writ petition is devoid of any merits and accordingly, this writ petition is dismissed. In view of the order passed in this writ petition, the Contempt petition No.2419 of 2013 stands closed. No costs. Consequently, connected miscellaneous petitions are also closed.

सत्यमेव जयते

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

vsi2

3/4

To

1. The Tahsildar,
Virudhachalam,
Cuddalore District.

2. The Assistant Divisional Engineer,
Highways,
Virudhachalam,
Cuddalore District.

3. The President,
Puliyur Village Panchayat,
Puliyur,
Virudhachalam Taluk,
Cuddalore District.

+1 cc to Government Pleader sr8104

W.P. No.25386 of 2013
and

Contempt Petition No.2419 of 2013

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