

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.26297 of 2013 and
M.P.No.1 of 2013

E. Sampathkumari

... Petitioner

v.

1. The District Collector,
Kanchipuram District, Kanchipuram
2. The Tahsildar,
Tirupporur Taluk,
Kanchipuram District.
3. The Inspector of Police,
Tirupporur Police Station,
Tirupporur, Kanchipuram District.
4. The President,
Sembakkam Village Panchayat,
Tirupporur Taluk, Kanchipuram District.
5. D. Boopalan
6. M. Jayavelu
7. Thiruvengadam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuing a Writ of Mandamus, forbearing the President, Sembakkam Village Panchayat, Tirupporur Taluk, Kanchipuram District, the 4th respondent herein from laying any tar road or any pucca road at the land bearing S.No.45, Chettipattu Ramaiyankuppam Village, Sembakkam Panchayat, Tirupporur Taluk, Kanchipuram District belonging to the petitioner and restore the same to its original position.

For Petitioners : Mr.A.v. Arun
For Respondents : Ms. A. Mathumathi,
Special Govt. Pleader-for R1 to R3

Mr.J. Prahtaban - for R4 to & R7

O R D E R

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, forbearing the 4th respondent from laying any road in the land bearing S.No.45, Chettipattu Ramaiyankuppam Village, Sembakkam Panchayat, Tirupporur Taluk, Kanchipuram District, belonging to the petitioner and to restore the same to its original position.

2. It is the case of the petitioner that she along with her husband are in enjoyment of an extent of 2.21 acres of land in Survey No.45 and the 4th respondent had made an attempt to form a road through the said property at the instance of the respondents 5 to 7. It is also the case of the petitioner that the 4th respondent has no authority to lay the road without acquiring the land belonging to the petitioner and her husband.

3. Ms.A.Mathumathi, learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the official respondents shall not interfere with the petitioner's possession and enjoyment of the land in Survey No.45, except following due process of law.

4. Mr.J. Prahtaban, learned counsel appearing for the respondents 4 to 7 submitted that the alleged road is in existence for several years.

5. Since the petitioner has averred that the land in question is a patta land belonging to her and her husband, the official respondents cannot interfere with their possession except following due process of law. Further, recording the submission made by the learned Special Government Pleader to the effect that the official respondents shall not interfere except following due process of law, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Kanchipuram District, Kanchipuram
2. The Tahsildar,
Tirupporur Taluk,
Kanchipuram District.

3. The Inspector of Police,
Tirupporur Police Station,
Tirupporur,
Kanchipuram District.

+1cc to Mr.Arun, Advocate in SR no.28226
+1cc to Government Pleader in SR no.28123

W.P.No.26297 of 2013 and
M.P.No.1 of 2013

MG (CO)
RV (08/09/2020)



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