



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.10.2020

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THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P(MD) .No.3437 of 2020

P.Perumal

.. Petitioner

Vs.

- 1) The District Collector,
Madurai District,
Madurai.
- 2) The Zonal Engineer,
National Highway Department,
Madurai.
- 3) The Project Officer,
National Highway Department,
Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the respondent no.1 to take necessary action against the respondents No. 2 and 3 for extended the road in my patta land in S.F.Nos.13/7C, 47/2B3 and 47/1A which is situated at Madurai District, Peraiyur Taluk, Kuvalapuram village without following any due process of law on the basis of the representation dated 21.10.2019.

For Petitioner : Mr.T.Vadivelan

For R-1 : Mr.C.Ramesh,
Special Government Pleader

For R3 : No appearance

O R D E R

This writ petition has been filed seeking for a direction to the first respondent to take necessary action against the respondents 2 and 3 for extending the road in the petitioner's patta land in S.F.Nos.13/7C, 47/2B3 and 47/1A which is situated at Madurai District, Peraiyur Taluk, Kuvalapuram village.



2. Mr.C.Ramesh, learned Special Government Pleader accepts notice for the first respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

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3. According to the petitioner, the aforementioned lands are patta lands and he is the absolute owner. However, according to him, illegally the respondents 2 & 3 have extended the road into the petitioner's patta lands. In such circumstances, the petitioner gave a representation on 21.10.2019 to the first respondent calling upon the first respondent to take action against the respondents 2 & 3 for extending the road into the petitioner's patta lands. It is his case that despite the representation having been made, yet, no action has been initiated by the first respondent against the respondents 2 and 3. In such circumstances, this writ petition has been filed.

4. The relief sought for in this writ petitioner is an innocuous relief. It is the case of the petitioner that the respondents 2 and 3 have extended the road into the petitioner's patta lands as detailed supra. He has also given a representation on 21.10.2019 to the first respondent requesting the first respondent to initiate legal action against the respondents 2 and 3.

5. No prejudice would be caused to the respondents if the representation of the petitioner, dated 21.10.2019 given by the petitioner is considered by the first respondent on merits and in accordance with law.

6. For the foregoing reasons, this Court directs the first respondent to consider the petitioner's representation dated 21.10.2019 seeking initiation of legal action against the respondents 2 and 3 for the alleged extension of road into the petitioner's patta land in S.F.Nos.13/7C, 47/2B3 and 47/1A which is situated at Madurai District, Peraiyur Taluk, Kuvalapuram village and pass final orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

7. With these directions, this writ petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar (CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1) The District Collector,
Madurai District,
Madurai.
- 2) The Zonal Engineer,
National Highway Department,
Madurai.
- 3) The Project Officer,
National Highway Department,
Madurai.

+1 CC to M/s.Special Govt.Pleader (SR-20206[F] dated 15/10/2020)

Order made in
W.P(MD) .No.3437 of 2020
13.10.2020

sts
SDS (03.11.2020) 3P-5C