



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:28.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

W.P(MD)No.26665 of 2019

and

W.M.P(MD)No.22992 of 2019

P.Arasu Rani

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Bodi Taluk Office,
Theni.

3.The Assistant Divisional Engineer,
National Highways Department,
Theni Division,
Theni.

4.The Executive Officer,
Meenatchipuram Town Panchayat,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the first respondent to instruct the respondents 2,3 and 4 not to interfere with the peaceful possession of the Petitioner's land in S.No.249/5A, to an extent of 0.54.00 ares at P.Meenatchipuram Town Panchayat, Bodi Taluk, Theni District based on the Petitioner's representation, dated 4.12.2019.

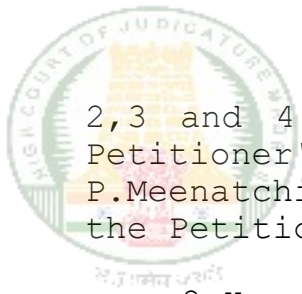
For Petitioner : Ms.N.Shanthipriya
for M/s.KR.Singaravadivel

For Respondents : Mr.M.Murugan
1 to 3 Government Advocate

For Respondent-4 : Mr.S.Dhayalan
Standing Counsel.

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the first respondent to instruct the respondents
<https://hcservices.ecourts.gov.in/hcservices/>



2,3 and 4 not to interfere with the peaceful possession of the Petitioner's land in S.No.249/5A, to an extent of 0.54.00 ares at P.Meenatchipuram Town Panchayat, Bodi Taluk, Theni District based on the Petitioner's representation, dated 4.12.2019.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.It is the case of the Petitioner that the Petitioner is a resident of Anikarapatti Village, Bodi Taluk, Theni District and the land in S.No.249/5A belongs to the Petitioner's forefather and now, the Petitioner is the absolute owner of the said land by way of Gift Deed vide Document No.3441 of 2010 and as such, patta was granted in her favour by the second respondent. While so, the respondents 2 to 4 herein have made an attempt to dig a channel without obtaining any proper permission from the Petitioner or by making necessary acquisition. Hence the Petitioner has submitted a representation to the first Respondent/The District Collector, Theni District, in this regard. The same is said to be still pending. Hence, the petitioner has come forward with the present Writ Petition for the above stated relief.

4. Therefore, without expressing any opinion on the merits of the claim made by the petitioner, the first respondent is directed to consider the representation of the petitioner, dated 4.12.2019 and pass appropriate orders on the same, on merits and in accordance with law, after giving due opportunity of hearing to all the necessary parties, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1.The District Collector,
Theni District,
Theni.



2.The Tahsildar,
Bodi Taluk Office,
Theni.

3.The Assistant Divisional Engineer,
National Highways Department,
Theni Division,
Theni.

4.The Executive Officer,
Meenatchipuram Town Panchayat,
Theni District.

+1 CC to SPL.GP (SR-3669[F] dated 29/01/2020)

+1 CC to Mr.K.R.SINGARAVADIVEL, Advocate (SR-3465[F] dated
28/01/2020)

ORDER MADE IN
W.P (MD) No.26665 of 2019
and
W.M.P (MD) No.22992 of 2019
28.01.2020

MK (11.02.2020) 3P 7C