

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED 10.03.2021  
CORAM  
THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN  
AND  
THE HONOURABLE MR. JUSTICE A.A.NAKKIRAN  
W.P.No.10619 of 2020  
and W.M.P.Nos.12899 and 18629 of 2020

S.Geetha

.. Petitioner

Versus

- 1.The Principal Secretary,  
High Ways and Minor Ports (HF-1) Department,  
Fort St.George,  
Chennai 600 009.
  - 2.The District Collector,  
Tiruvallur District.
  - 3.The Tahsildar,  
Udukottai Taluk,  
Tiruvallur District.
  - 4.The Chief Engineer (NABARD & Rural Road),  
Highways Department, Chennai-25.
  5. The Assistant Engineer,  
High Ways Department,  
Alagar Nagar, Chengalpattu,  
Chengalpattu District.
  - 6.The Block Development Officer,  
Ellapuram Panchayat Union,  
Ellapuram, Uthukottai Taluk,  
Tiruvallur District.
- सत्यमेव जयते .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondents their men agents servants or any other persons claiming through them from in any way disturbing the peaceful possession and enjoyment of the property of the petitioner in respect of her agriculture land properties comprised in S.No.19/1B, 19/2A, 19/2C, 20/3, 21/1, 21/4A1, 22/1A, situated in Alinjivakkam Village, Uthukottai Taluk , Tiruvallur District, without following due process of law and pass such further orders.

For Petitioner : Mr.R.V.Laksmipathy

For Respondents: Mr.R.Vijayakumar  
Additional Government Pleader

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The petitioner claims to be an absolute owner of the agricultural land at Alinjivakkam Village, Uthukottai Taluk, Tiruvallur District and it is relevant to extract the following:

| SI. | Survey No. | Extent in Acre |
|-----|------------|----------------|
| 1.  | 19/1B      | 2.00           |
| 2.  | 19/2A      | 0.19           |
| 3.  | 19/2B      | 0.09           |
| 4.  | 19/2C      | 0.20           |
| 5.  | 19/2D      | 0.09           |
| 6.  | 19/2E      | 0.58           |
| 7.  | 19/2F      | 1.00           |
| 8.  | 19/3       | 0.80           |
| 9.  | 20/3       | 0.99           |
| 10. | 21/1       | 0.56           |
| 11. | 21/4A1     | 1.24           |
| 12. | 21/4A2     | 1.36           |
| 13. | 22/1A      | 0.44           |

2. The petitioner claims to have purchased the said landed property along with borewell in S.F.No.19/1B, 2D as well as 10 H.P. And 7.5 H.P.Electrical Motor pump sets, vide registered Sale Deed bearing Document No.959/2011, dated 17.02.2011, registered on the file of the Sub-Registrar Office, Arni and from the date of purchase, he claims to be in possession and enjoyment of the same and also cultivating the crops and the petitioner would further aver that based on the right, title and possession, the patta nos.231 and 232, was also issued in his name by the Revenue Authorities. It is the specific case of the petitioner that during second week of May 2020, the officials / employees of the respondents 4 and 5, came to the above said lands along with Bulldozer and other heavy earth moving equipment, on the pretext of widening and upgrading panchayat road from V.K.Road to Athingkavanur via Alungivakkam Village. The petitioner in this regard, has submitted a written representation in the form of Legal Notice dated 22.05.2020, to the official respondents concerned and despite receipt and acknowledgment, hurriedly proceeded and therefore, moved this Court by filing this Writ Petition and it was entertained and interim orders of Status Quo was granted and it is still in operation.

3. The learned counsel appearing for the petitioner would submit that without proper survey and inspection, the official respondents had taken the law into their own hands and started interfering with the peaceful possession and enjoyment of the petitioner land and without even resorting to land acquisition proceedings. Since Right to Property is a constitutional right guaranteed under Article 300 A of the Constitution of India, coupled with Right to Life under Article 21 of the Constitution of India, the petitioner is having protection from such highhanded illegal acts on the part of the official respondents and prays for appropriate orders.

4. Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader has drawn the attention of this Court to the counter affidavit filed by the respondents 1, 4 and 5 and would submit that the road taken up for strengthening does not pass through the petitioner's land and it would pass through S.F.Nos.7/1. 7/2. 7/3. 7/4. 7/5, 7/6, 99/2. 99/2A, 99/2B, 84/3, 67, 69 and 70, Azhinjivakkam Village, Uthukkottai Taluk, Thiruvallur District. The petitioner's name also does not reflect in the revenue records pertain to the said survey numbers and as such, the apprehension expressed by the petitioner is wholly unfounded and prays for vacating the interim order and dismissal of this Writ Petition.

5. Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the official respondents would submit that in the light of the stand taken by the official respondents, in the counter affidavit, the apprehension expressed by the petitioner, is wholly unfounded and prays for dismissal of this Writ Petition.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. It is relevant to extract paragraph nos.5 and 6 of the counter affidavit dated 15.09.2020, filed by the respondents 1, 4 and 5:

''5. I respectfully submit that the road taken up for strengthening does not pass through land bearing Survey Nos.19/1B, 19/0A, 19/2C, 20/3, 21/1, 21/4A1 and 22/1A of Azhinjivakkam Village (Uthukkottai Taluk, Thiruvallur District). Whereas the exact survey nos. of the above road are S.F.Nos.7/1. 7/2. 7/3. 7/4. 7/5, 7/6, 99/2. 99/2A, 99/2B, 84/3, 67, 69 and 70 and the petitioner's name is no found in the revenue records of these survey numbers. The petitioner's statement that highways department is entering into his agricultural land and

started felling trees and caused huge damage and not following due process of law for land acquisition are false and incorrect.

6. I respectfully submit that Highways Department will only lay the road to the existing width of 3.75 m as per sanctioned estimate and will not do any widening of the road on the adjacent agricultural lands. The petitioner's statement that the Highways Department is attempting to acquire the property of the petitioner with the help of police without following due process of law is false and incorrect.''

8. In the light of the categorical stand taken by the respondents 1, 4 and 5, this Court is of the considered view that the apprehension expressed by the petitioner, as to the illegal trespass and attempt to lay a road, is prima facie unfounded. Of course, in the light of the stand taken by the respondents in the counter affidavit, especially in paragraphs 5 and 6, it is not open to the official respondents concerned, to take law into their own hand and interfere with the possession of the petitioner's land, which is the subject matter of registered Sale Deed dated 17.02.2011, bearing Doc.No.959/2011, registered on the file of the Sub-Registrar Office, Arni.

9. In the result, the Writ Petition is closed, by taking note of the stand of the respondents 1, 4 and 5 in paragraph nos.5 and 6 of the counter affidavit dated 15.09.2020 and the interim order of Status Quo granted, stands vacated. No costs. Consequently all connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

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To

1.The Principal Secretary,  
High Ways and Minor Ports (HF-1) Department,  
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2.The District Collector,  
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Tiruvallur District.

+1 cc to Mr.R.V.Lakshmipathy Advocate sr15261

+1 cc to Government Pleader sr16126

W.P.No.10619 of 2020

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