

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.32594 of 2016
and
W.M.P.No.28246 of 2016

Arulmigu Pidari Amman
@ Kummatthamman thirukoil
Rep.by its Executive Officer,
Nolambur, Mogappair West,
Chennai 600 037. ... Petitioner

vs.

1. The Commissioner,
Corporation of Chennai
Park Town, Chennai 600 003.
2. The Executive Engineer,
Corporation of Chennai - Zone XI,
Valasaravakkam,
Chennai 600 087.
3. The Assistant Engineer,
Corporation of Chennai- Zone XI,
Valasaravakkam, Chennai 600 087.
4. The Tahsildar,
Maduravoyal Taluk
Maduravoyal.
5. The Village Administrative Officer,
Adayalampattu Panchayat, Adayalampattu.

(R4 & R5 impleaded vide order
dated 22.09.2020 made in W.M.P.No.21398/2018
in W.P.No.32594/2016)

.. Respondents

Prayer.: Writ petition is filed under Article 227 of the Constitution of India, praying for a writ of Mandamus, to forbear the respondents from laying a road on land in S.No.205 measuring around 1.08 acres, Nolambur Village, West Mogappair, Chennai 600 037.

For petitioner : Mr.Sriram
For R1 to R3 : Mr.R.Gopinath
Standing counsel
For R4 & R5 : Mr.D.Ilayaraja
Government Advocate.

O R D E R

This Writ Petition has been filed seeking for a direction to the respondents to direct the respondents 1 and 2 to forbear the respondents from laying a road on land in S.No.205 measuring around 1.08 acres, Nolambur Village, West Mogappair, Chennai 600 037.

2. The 3rd respondent has filed the counter affidavit, in which it is stated that they have also received another representation of the petitioner dated 06.10.2016, which is after filing of the writ petition addressed to the Tahsildar, Maduraoyal Taluk to earmark the boundaries of the road. In this connection, a letter has also been addressed to the Village Administrative Officer, Adayalampattu Panchayat requesting to furnish the patta, chitta and FMB sketch with regard to the land in S.No.205 Nolambur Village.

3. The 3rd respondent has also stated that 1st respondent, Chennai Corporation has not laid down any road within the temple property as alleged by the petitioner. Since there are only disputed questions of fact relating to the extracted exchange of the land on the 1st respondent had proposed to lay road, no finding can be given on the same.

4. Considering the same, I am inclined to direct the respondents to consider the petitioner's representation dated 13.09.2016 and to pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Before taking any steps, the petitioner shall be heard by the respondents.

5. This writ petition is disposed of with the above observation. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

kkd

To

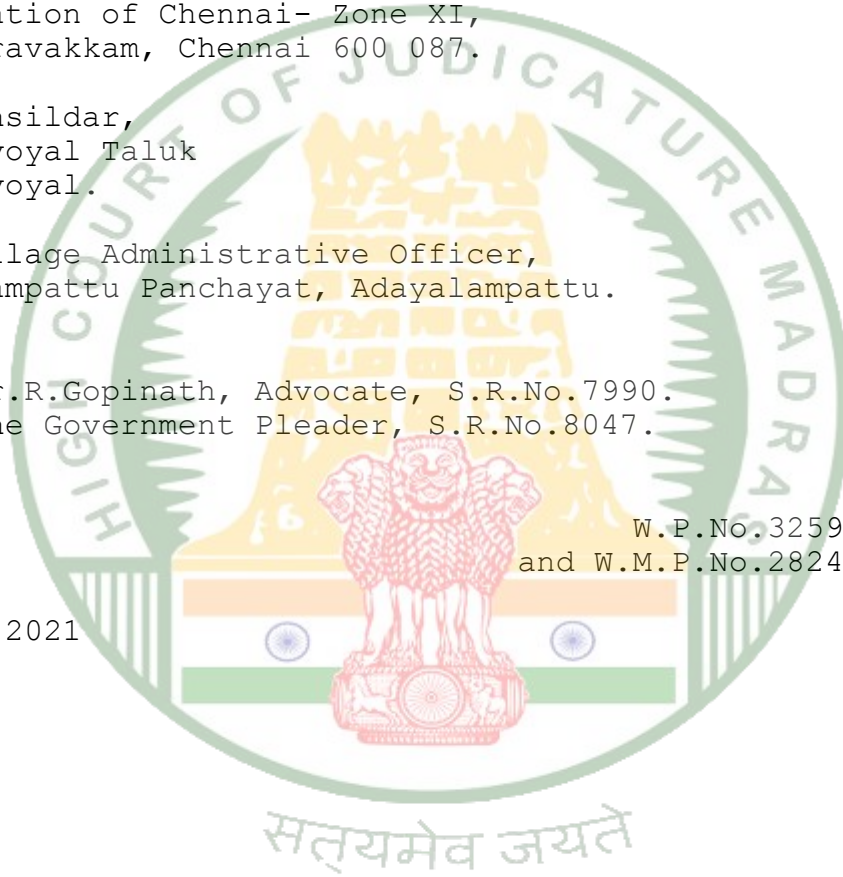
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Maduravoyal.
5. The Village Administrative Officer,
Adayalampattu Panchayat, Adayalampattu.

+1cc to Mr.R.Gopinath, Advocate, S.R.No.7990.

+1cc to the Government Pleader, S.R.No.8047.

W.P.No.32594 of 2016
and W.M.P.No.28246 of 2016

PMK (CO)
CSR 25.03.2021



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