



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.12.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.27806 of 2021

and

W.M.P.Nos.29372 and 29376 of 2021

Latha

... Petitioner

-Vs-

1. The District Collector,
Salem District,
Salem.
2. The Sub Collector,
Mettur,
Salem District.
3. The Tahsildar,
Mettur Taluk,
Mettur,
Salem District.
4. The Village Administrative Officer,
Thinnapatti Village,
Mettur Taluk, Salem District.
5. The Block Development Officer,
Kolathur Union,
Kolathur, Mettur Taluk,
Salem District.
6. The Superintendent of Police,
Salem District,
Salem.
7. The Deputy Superintendent of Police,
Mettur,
Salem District.
8. The Inspector of Police,
Kolathur Police Station,
Kolathur, Mettur Taluk,
Salem District.



9. Selvi

10. Gopal

11. Kuppusamy

12. Prakash

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal construction viz. shed put-up by the respondents 9 to 12 on the public road by obstructing the accessibility of the petitioner's house situated in Survey No.546/17 at Pannavadi Village, Mettur Taluk, Salem District.

For Petitioner : Mr.P.Suresh Kumar

For R1 to R8 : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents 1 to 5 to remove the illegal construction viz. shed put-up by the respondents 9 to 12 on the public road by obstructing the accessibility of the petitioner's house situated in Survey No.546/17 at Pannavadi Village, Mettur Taluk, Salem District.

2. Heard Mr.P.Suresh Kumar, learned counsel appearing for the petitioner and Mr.P.Baladhandayutham, learned Special Government Pleader appearing for the respondents 1 to 8.

3. The petitioner purchased the house property comprised in Survey No.546/17 to an extent of 1190 sq.ft in Patta No.704 situated at Pannavadi Village by the registered sale deed, dated 15.03.2017, registered vide Document No.439 of 2017. In front of the petitioner's house, there is a public road and on the opposite side there is a temple called "Sri Chinna Mariamman Kovil". The said temple is being maintained by the respondents 9 to 12. The ninth respondent is the President of Thinnapatti Panchayat and the respondents 9 to 12 had allotted to the petitioner a bunk shop belongs to the temple which is located in



the temple premises. Since, the house purchased by the petitioner is under dilapidated condition, the petitioner decided to construct a new house and demolished the old house.

4. However, the respondents 9 to 12, had disturbed the petitioner's possession and enjoyment of the subject property and they started construction of a new temple blocking the petitioner to enter into the road. Therefore, the petitioner submitted a representation before the Revenue officials, dated 08.11.2021. On the strength of said representation, this Court directed the third respondent to consider the representation of the petitioner, dated 08.11.2021, after issuance of notice to the petitioner and the respondents 9 to 12 and after giving them an opportunity of hearing and pass orders on merits within a period of twelve weeks. On receipt of the order, the third respondent issued notice to the petitioner and the counter parties for the enquiry to be held on 27.12.2021 and the enquiry is pending.

5. While pending the enquiry, again the respondents 9 to 12 continuously threatened the petitioner and her family members. Therefore, the petitioner's son made an attempt for self immolation in front of the office of the first respondent on 09.12.2021. That apart, they proceeded with the construction blocking the pathway of the petitioner to reach the road.

6. In view of the above, the respondents 9 to 12 are directed to maintain the status quo with regards putting up any construction opposite to the petitioner's house, till the disposal of the representation of the petitioner by the third respondent as directed by this Court in W.P.No.24598 of 2021, dated 18.11.2021. The eighth respondent is directed to ensure that there shall not be any law and order problem.

7. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Salem District,
Salem.
2. The Sub Collector,
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Mettur Taluk,
Mettur,
Salem District.
4. The Village Administrative Officer,
Thinnapatti Village,
Mettur Taluk, Salem District.
5. The Block Development Officer,
Kolathur Union,
Kolathur, Mettur Taluk,
Salem District.
6. The Superintendent of Police,
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7. The Deputy Superintendent of Police,
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Salem District.
8. The Inspector of Police,
Kolathur Police Station,
Kolathur, Mettur Taluk,
Salem District.

W.P.No.27806 of 2021

KV(CO)
SU(20/01/2022)