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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 3396 of 2017

and

W.M.P. No. 3379 of 2017

Unnamalai

... Petitioner

-vs-

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.

2. The Tahsildar,
Chengam Taluk,
Thiruvannamalai District.

3. The Block Development Officer,
Chengam,
Thiruvannamalai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property comprised in Survey No.73/2 situated at Melpennathur Village and Post, Chengam Taluk, Thiruvannamalai.

For Petitioner : Mr.R.Dillikumar

For Respondents : Ms.Akila Rajendran

Counsel for Govt. for R1 and R3

Mrs.K.Bhuvaneswari for R3

O R D E R

The prayer sought for herein is for a Writ of Mandamus forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the property comprised in Survey No.73/2 situated at Melpennathur Village and Post, Chengam Taluk, Thiruvannamalai.

2. The petitioner's claim is that, the petitioner is the owner of the property in S.No.73/2 situated at Melpennathur Village, Chengam Taluk, Thiruvannamalai District.

3. For the public purpose to lay a road, the respondents especially the third respondent, i.e., Block Development Officer, Chengam has sought for gifting of the land and in this regard, the adjacent land including the land at S.No.74/3 seems to have been gifted by the respective owners to and in favour of the respondents, i.e., third respondent to lay the



road. According to the petitioner, the property at S.No.73/2 belongs to the petitioner has never been subjected to any such gift and no gift of the land at S.No.73/2 has been made or given by the petitioner.

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4. When that being so, in the guise of gift of some other land, adjacent to the land in S.No.74/2, the third respondent and their men are trying to lay the road including the land belongs to the petitioner in S.No.73/2. Therefore, in order to prevent the third respondent for taking away the land at S.No.73/2 belongs to the petitioner for the purpose of laying the public road, the present Writ Petition has been filed.

5. When the case is taken up for hearing, the petitioner's counsel having reiterated the above, seeks for indulgence of this Court.

6. However, Mrs.K.Bhuvaneswari, learned counsel appearing for the third respondent, on instructions, would submit that, the property at S.No.73/2 belongs to the petitioner has never been gifted to the third respondent or to any other Government authority for the purpose of laying the road.

7. Therefore, the third respondent wants to give an undertaking before this Court through the learned counsel appearing for the third respondent that, the third respondent or his men and agents or any other party under him would claim the S.No.73/2 the patta land of the petitioner for the purpose of laying the public road and that attempt has been made only in respect of other survey numbers, she contended.

8. Heard, Ms.Akila Rajendran, learned counsel for the Government appearing for the first and second respondents.

9. In view of the said categorical stand taken by the third respondent, who is the authority to lay the road for the Village concerned, as stated by the learned counsel appearing for the third respondent that, the land at S.No.73/2 belongs to the petitioner has never been gifted by the petitioner and the third respondent has no intention to lay any road in the said land, recording the said submissions made on behalf of the third respondent, this Court feels that, this Writ Petition can be given a quietus. Accordingly, this Writ Petition is disposed of by recording the aforesaid stand of the learned counsel for the third respondent.

10. Accordingly, this Writ Petition is disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//



vji

To

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.
2. The Tahsildar,
Chengam Taluk, Thiruvannamali District.
3. The Block Development Officer,
Chengam,
Thiruvannamalai District.

+1cc to Mr.G.Rajan, Advocate, S.R.No. 30103

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and

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RSV(CO)
GN(23/07/2021)