



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.11813 of 2021

S.Alaguraj

...Petitioner

Vs.

1.State represented by Secretary to Government,
Highways Department,
76, Sardar Patel Road,
Guindy, Chennai - 25.

2.The President,
Kayathar Town Panchayat,
No.1, Kadambur Road,
Kayathar - 628 952.
Thoothukudi District.

3.The District Collector,
Thoothukudi District.

4.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

... Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass orders on the representation, dated 28.04.2021, relating to removal of thaar road laid in petitioner's property admeasuring 1.45 acres comprised in Survey No.521/12D3, Akilandapuram Village, Kayathar Taluk, Thoothukudi District.

For Petitioner : Mr.A.Sivasubramanian

For Respondents : Mr.R.Suresh Kumar
Government Advocate

ORDER

This writ petition has been filed for the issue of a Writ of Mandamus, directing the respondents to consider the representation made by the petitioner, on 28.04.2021, wherein, the petitioner has requested for removal of the road that has been laid in the private property of the petitioner.



2.The case of the petitioner is that he became the owner of the subject property by virtue of a registered settlement deed, dated 18.12.2020. The grievance of the petitioner is that the second respondent had illegally laid a road in the private patta land belonging to the petitioner. A complaint was given in this regard, on 18.11.2020 and no action was taken. Thereafter, the petitioner has sent another representation, on 28.04.2021. The same also did not evoke any response. Hence, left with no other alternative, the present writ petition has been filed before this Court seeking for appropriate directions.

3.Heard Mr.A.Sivasubramanian, learned counsel appearing for the petitioner and Mr.R.Suresh Kumar, learned Government Advocate appearing for the respondents.

4.Taking into consideration the facts and circumstances of the case and the limited relief sought for in this writ petition, there shall be a direction to the third respondent to consider the representation made by the petitioner on 28.04.2021 and take a decision within a period of six weeks from the date of receipt of a copy of this order.

5.The petitioner is directed to make a fresh representation to the third respondent along with all relevant documents and also a copy of this order.

6.This writ petition is disposed of with the above directions. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1.The Secretary to Government,
Highways Department,
76, Sardar Patel Road,

Chennai - 25.

<https://hcservices.ecourts.gov.in/hcservices>



2.The President,
Kayathar Town Panchayat,
No.1, Kadambur Road,
Kayathar - 628 952.

3.The District Collector,
Thoothukudi District.

4.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

+1 CC to M/s.SPL GP (SR-22936[F] dated 16/07/2021)

**W.P. (MD) .No.11813 of 2021
15.07.2021**

RK (26.07.2021) 3P 6C