



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.20776 of 2021

and

W.M.P (MD) .No.17390 of 2021

WEB COPY

V.Ramalingam

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Thanjavur District.

2.The Assistant Divisional Engineer,
Highways Department,
Highways Department Office,
Thanjavur.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents herein from in any manner encroaching upon the petitioner's property for purposes of road widening work comprised in S.No.186-BB-3 of an extent of 0.03.50 acres situated at Chinnaponnapur, Thalayamangalam, Orathanadu Taluk on the basis of the petitioner's representation dated 25.10.2021.

For Petitioner : Mr.B.Jameel Arasu

For Respondents : Mr.D.Ghandiraj,
Special Government Pleader.

ORDER

Heard Mr.B.Jameel Arasu, learned counsel for the petitioner and Mr.D.Ghandiraj, learned Special Government Pleader who had received written instructions from the second respondent.

2. Very specifically, it had been stated in the said written instructions that the road widening has taken place as a matter of public interest and at that particular place, the road also takes a bend. It is also stated that the land of the petitioner had not been taken away but however, if the petitioner had encroached into the Government land, then there is an obligation that the petitioner should permit the respondents to widen the road and cannot raise any objection since the land already vests with the Government.



3. At any rate to clarify the entire issue, let the petitioner take a fresh copy of the representation dated 25.10.2021 and meet the second respondent in person with a copy of this particular order and thereafter let the second respondent examine the representation and pass necessary orders after making due inquiry. The entire exercise shall be completed on or before 17.12.2021.

4. With the said observations, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

Lm/Nsr

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 District Collector,
Office of the District Collector,
Thanjavur District.

2.The Assistant Divisional Engineer,
Highways Department,
Highways Department Office,
Thanjavur.

+1 CC to M/s.SPL GP (SR-35629[F] dated 24/11/2021)

W.P (MD) No.20776 of 2021
23.11.2021

TSK (CO)
SB(08.12.2021) 2P 4C