



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.04.2021**

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) No.20938 of 2018

and W.M.P. (MD) No.18714 of 2018

(Through Video Conference)

T.Xavier Chinnappan ...Petitioner

Vs.

1. The District Collector,
Sivagangai District.

2. The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.

3. The Village Administrative Officer,
Arasakulam,
Susaiappar Pattinam Post,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent to take necessary action based on my representation dated 18.09.2018 regarding inference of the respondents no.2 and 3 in the petitioners land in Patta No.897, Survey No.168/2A , 168/2E2, 168/2E6 which belongs to petitioner's father's property namely Thainash and Survey No.168/2E3B to an extent of 1 Acre 74 Cents and further 1st respondent to direct the 2nd respondent and third respondent to give protection to the above property.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.M.Rajarajan,
Additional Government Pleader

O R D E R

This Writ Petition has been filed by the petitioner on the apprehension that the respondents are attempting to interfere with the possession and enjoyment of the subject property, without resorting to due process of law.



2. The case of the petitioner is that, he is the owner of the subject property and the 2 & 3 respondents are attempting to lay a road in his property. Therefore, a representation was made before the first respondent to forbear the 2 and 3 respondents from encroaching upon the property and putting up the road. Since the same was not considered, the present writ petition has been filed before this Court seeking for appropriate direction.

3. Heard Mr.F.Deepak, learned counsel for the petitioner and Mr.M.Rajarajan, learned Additional Government Pleader appearing for the respondents

4. In the considered view of this Court, this writ petition has been filed only based on apprehension. It is true that the subject property stands in the name of the petitioner. If at all the 2 and 3 respondents take a decision to lay a road on the property belonging to the petitioner, they are expected to follow the due process of law and thereafter, proceed with the laying of the road. Except giving this clarity, no further orders can be passed in this writ petition.

5. The writ petition is disposed of accordingly. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.18714 of 2018 stands closed.

Sd/-

Assistant Registrar (AE)

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Sub Assistant Registrar()

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,
Sivagangai District.
2. The Tahsildar,
Kalaiyarkovil Taluk,
Sivagangai District.



3. The Village Administrative Officer,
Arasakulam,
Susaiappar Pattinam Post,
Sivagangai District.

+1.C.C. To M/s.F.Deepak, Advocate in Sr.No. 16170/21

+1.C.C. To Special Government Pleader in Sr.No. 16314/21

Order made in
W.P.(MD) No.20938 of 2018
Dated:16.04.2021

sts

RM 19/05/2021 (3P-6C)