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W.P.No.16201 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.16201 of 2013

N.Raju (deceased)

1.Sesilia

2.R.Raja

(P1 & P2 are impleaded as legal heirs of the deceased petitioner as per order dated 19.09.2022 by MDIJ in W.M.P.No.23861 of 2022)

... Petitioners

Vs.

1.The District Collector,
Namakkal District Collector Office,
Namakkal.

2.The Tazildar,
Rasipuram Taluk Office,
Rasipuram.

3.The Block Development Officer,
Venandhur Union,
Rasipuram Taluk,
Namakkal District.

4.The President,
R.Pudupalayam Panchayat,
Rasipuram Taluk,

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Namakkal District.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus, forbearing the respondents from acquiring the petitioner's private patta land in S.No.173/3B (27 cents), R.Pudupalayam Village, Rasipuram Taluk, Namakkal District, without following the due process of law.

For Petitioner : Mr.V.Ramajegadeesan

For Respondents : Mrs.Geetha Thamaraiselvi,
Special Government Pleader

ORDER

This writ petition has been filed seeking for issuance of Writ of Mandamus, forbearing the respondents from acquiring the petitioner private patta land in S.No.173/3B (27 cents), R.Pudupalayam Village, Rasipuram Taluk, Namakkal District without following the due process of law.

2. It is the case of the petitioner that he is in possession and enjoyment of the property measuring about 27 cents in S.No.173/3B, R.Pudupalayam Village, Rasipuram Taluk, Namakkal District. The said land connects the road between R.Pattinam Town Panchayat & R.Pudupalayam Village. At



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request of the villagers of R.Pudupalayam, the petitioner gave the aforesaid subject property to the Village Panchayat for using it as pathway. In turn, the Village Panchayat granted the petitioner to occupy the 'Grama Natham' land in S.Nos.173/4 & 177/1 measuring about 9 & 11 cents respectively. In the year 2009, the second respondent interfered in the petitioner's possession over the said 'Grama Natham' land. Hence, the petitioner filed a suit in O.S.No.82 of 2009 before the District Munsif, Rasipuram, seeking for permanent injunction against the respondents 1 & 2 and the same was dismissed on 22.11.2010. Thereafter, the petitioner preferred an appeal against the said judgment in A.S.No.9 of 2011 before the Subordinate Judge, Rasipuram, which was also dismissed on 11.10.2011. Subsequently, he filed Second Appeal in S.A.No.221 of 2012, which is pending before this Court. This being the case, the petitioner was informed by the respondents 3 & 4 that metal roads are going to be laid in the subject property, which vest with the petitioner, without acquiring the lands and paying compensation. Therefore, the petitioner made a representation dated 04.06.2013 before the first respondent, seeking to forbearing the respondents 2 & 3 from laying roads in the subject property, till date, no order was passed. Hence, this writ petition.



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3. The learned counsel for the petitioner submitted that without due process of law, the respondents 2 & 3 have taken effective steps to acquire the subject property for laying metal roads. Hence, he prayed this Court to give a direction to the respondents not to acquire the subject property without due process of law by considering the petitioner's representation dated 04.06.2013.

5. The learned Special Government Pleader appearing for the respondents submitted that the subject property will be acquired after following the due process of law.

6. Recording the submission made by the learned Special Government Pleader appearing for the respondents, this writ petition is closed. No costs.

19.09.2022

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Index : Yes/No

Speaking Order : Yes/No



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M.DHANDAPANI,J.

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