



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2022

CORAM :

THE HON'BLE MR. JUSTICE M.DURAI SWAMY
AND
THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.11392 of 2022
and W.M.P.No.10924 of 2022

K.Gunasekaran

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Salem District - 636 001.
- 2.The District Revenue Officer,
Office of the District Collector,
Salem District - 636 001.
- 3.The Revenue Divisional Officer,
Office of the Revenue Division,
Office of the District Collector Campus,
Salem District - 636 001.
- 4.The Tahsildar,
Vazhapady Town and Taluk,
Salem District.
- 5.The District Divisional Engineer,
Highways Department,
Opp. National Hotel,
Salem District - 636 004.
- 6.The Assistant Divisional Engineer,
Highways Department,
Vazhapady Travellers Bungalow,
Vazhapady Town and Taluk,
Salem District.



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7.The Village Administrative Officer,
Vellalagundam Village,
Vazhapady Taluk,
Salem District - 636 111.

8.The Assistant Engineer,
(Construction and Maintenance),
Highways Vazhapady Taluk,
Salem District - 636 111.

... Respondents

Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondents from dispossessing the petitioner's property situated at 3/40, Veppilaipatty Main Road, Vellalagundam Post, Vazhapady Taluk, Salem District comprised in Gramanatham S.Nos.111 and 364 of Vellalakundam Village without due process of law and without complying the order dated 03.02.2022 passed by the Division Bench of this Court in W.P.No.1964 of 2022.

For Petitioner : Dr.D.Simon

For Respondents : Mr.P.Muthu Kumar
Government Pleader (R1 to R8)

O R D E R

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus forbearing the respondents from dispossessing the petitioner's property situated at 3/40, Veppilaipatty Main Road, Vellalagundam Post, Vazhapady Taluk, Salem District comprised in Gramanatham S.Nos.111 and 364 of Vellalakundam Village without due process of law and without complying with the order dated 03.02.2022 passed by the Division Bench of this Court in W.P.No.1964 of 2022.

2.It is the grievance of the petitioner that inspite of the order dated 03.02.2022 passed by the Division Bench in W.P.No.1964 of 2022, the respondents have not conducted proper survey before passing the order of eviction.

3.On a perusal of the materials available on record, it could be seen that in the "A" Register, the land in question has been classified as land belonging to the Highways. Inspite of the said entry, the learned counsel for the petitioner submitted



that the land in question does not belong to the Highways Department.

4. When the "A" Registry is very clear about the classification of the land that it is a Highways Land, the submission made by the learned counsel for the petitioner cannot be accepted. That apart, pursuant to the order passed in W.P.No.1964 of 2022, the respondents have considered the reply sent by the petitioner to the notice issued by the 6th respondent and the 6th respondent had decided the matter finding that the land in question is a Highways land. The petitioner was not in a position to establish that the land in question does not belong to the Highways Department. We do not find any merits in the Writ Petition. Accordingly, the Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

va
To

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Salem District - 636 001.
2. The District Revenue Officer,
Office of the District Collector,
Salem District - 636 001.
3. The Revenue Divisional Officer,
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Office of the District Collector Campus,
Salem District - 636 001.
4. The Tahsildar,
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5.The District Divisional Engineer,
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+1cc to the Government Pleader Sr.30925

W.P.No.11392 of 2022
and W.M.P.No.10924 of 2022

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srg 09/05/2022