



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.11051 of 2014

E.Munikrishnan

...Petitioner

Vs.

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Block Development Officer,
Thiruvallur District,
Thiruvallur District.

3.The Tahsildar,
Thiruthani Taluk Office,
Tiruvallur District.

4.The President,
Veerarahavapuram Panchayat,
Thiruthani Taluk,
Tiruvallur District.

...Respondents

PRAYER: The Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus directing the respondents herein to remove the cement road which is laid by the respondents by a voilating manner and give back the land in survey No.29/15 to the petitioner based on the petitioners representation dated 31.12.2013.

For Petitioner	:	Mr.D.Ashok Kumar
For Respondents	:	Mr.T.Chezhiyan Additional Government Pleader

O R D E R

The petitioner has filed this petition for issuance of Writ of Mandamus directing the respondents herein to remove the cement road which is laid by the respondents by a voilating manner and give back the land in survey No. 26/15 to the petitioner based on the petitioners representation dated 31.12.2013.



2. The case of the petitioner is that the petitioner is the resident of the Puliankunta Village, Veerarahavapuram Post, Thiruthani Taluk, Tiruvallur District. The petitioner and his brother constructed a house in S.F.No.29/15 of the said Village. While so, in the year 2009-2010, the Village Panchayat laid a cement road for public usage. However it is alleged by the petitioner that the respondents without verifying and seeing the revenue documents, and without notice or intimation, have decided to laid the cement road across his own land in the above said survey number. Hence, on 31.12.2013, the petitioner has sent a detailed representation to the respondents seeking to remove the cement road from his own patta land, however, the respondents has not taken action against the same. Therefore, he is constrained to approach this Court by filing this Writ Petition.

3. The learned counsel appearing for the petitioner submitted that admittedly the respondents has laid the cement road in the petitioner's land, without any acquisition proceedings and payment of compensation. Hence it is clear violation and further the respondents are duty bound to provide alternate land on payment of compensation, however they have failed to do so. Further, though very many grounds have been raised, the learned counsel for the petitioner submits that it would suffice if this Court issues direction to the respondents to consider the petitioner's representation dated 31.12.2013 and pass orders on the same within a particular time frame fixed by this Court.

4.The learned Additional Government Pleader appearing for the official respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioner's representation dated 31.12.2013 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

Sd/-
Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar

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To

1.The District Collector,
Tiruvallur District,
Tiruvallur.

2.The Block Development Officer,
Thiruvallangadu,
Tiruvallur District.

3.The Tahsildar,
Thiruthani Taluk Office,
Tiruvallur District.

4.The President,
Veerarahavapuram Panchayat,
Thiruthani Taluk,
Tiruvallur District.

+1cc to Mr.D.Ashok Kumar, Advocate, S.R.No.15925

W.P.No.11051 of 2014

GPL (CO)
RVM(28/03/2022)