



W.P.No.26629 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Writ Petition No.26629 of 2022

M.Kumaravel

.. Petitioner

Vs.

1. The District Collector  
Thiruvarur District  
Thiruvarur.
2. The Divisional Engineer  
Highways Department  
(Construction and Maintenance)  
No.1, Guru Dhakshanamurthy Nagar  
Thanjai Road, Tiruvarur.
3. The Asst. Divisional Engineer  
Highways Department  
(Construction and Maintenance)  
No.1, Guru Dhakshanamurthy Nagar  
Thanjai Road, Tiruvarur.
4. The Junior Engineer  
Highways Department  
(Construction and Maintenance)  
No.1, Guru Dhakshanamurthy Nagar  
Thanjai Road, Tiruvarur.

.. Respondents



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Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the respondents 2 to 4 not to evict the petitioner in Survey No.195D/2B in Kunniyur Revenue Village, Mavoor Bazaar Road for widening Mayiladuthurai - Thiruthuraipoondi Highways (SH 23) except due process of law and consider the representation dated 16.8.2022.

For the Petitioner : Mr.R.Sethuvarayar

For the Respondents : Mr.P.Muthukumar  
State Government Pleader

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner, claiming to be the joint owner of the land in S.No.195D/2B in Kunniyur Revenue Village, Mavoor Bazaar Road, has filed this writ petition for a direction to the respondents 2 to 4 not to evict him from his land, for the purpose of widening Mayiladuthurai - Thiruthuraipoondi Highways (SH 23), except by due process of law.

2. According to the petitioner, the land in S.No.195D/2B was purchased in the name of his wife. However, the patta stands in the joint name. Therefore, several representations have been made for



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the issuance of individual patta. However, it is yet to be issued. In the meantime, the first respondent has issued notice to the Merchants Association for removing the encroachments in the Mayiladuthurai to Thiruthuraipoondi Highway. The petitioner, who is running a medical shop in the land in question, apprehending eviction without due process of law, has come up with this writ petition.

3. A perusal of the patta issued by the Headquarters Deputy Tahsildar, Tiruvarur, enclosed in the typed set of papers, makes it clear that it stands in the joint name and not in the name of the wife of the petitioner alone.

4. At this juncture, learned Government Pleader placed before us the written instruction from the second respondent and submitted that the land encroached in S.No.195C alone is required for the purpose of widening Mayiladuthurai - Thiruthuraipoondi Highways and not the land in S.No.195D/2B, which belongs to the petitioner.

5. Recording the above submission, the writ petition is disposed of. However, it is made clear that if the respondent authorities are



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proceeding to remove any unauthorised occupation found in the land in S.No.195D/2B, the same shall be done only by issuing notice to the affected persons. There will be no order as to costs.

(T.R., ACJ.) (D.K.K., J.)  
10.10.2022

Index : Yes/No

kpl

To

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T.RAJA, ACJ,  
and  
D.KRISHNAKUMAR,J

(kpl)

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