



W.P.No.33511 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.33511 of 2017
and
W.M.P.No.37016 of 2017

A.Venkatachellam

...Petitioner

Vs.

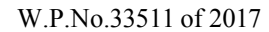
1. The District Collector,
The Office of District Collector,
Tiruppur.
2. The Revenue Divisional Officer,
Tiruppur.
3. The Tahsildhar,
Avinashi, Tiruppur District.

...Respondents

Petition filed Under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus forbearing the 3rd respondent from interfering/laying road in the patta land situated at Karumapalayam Village, Avinashi Taluk, Tirupur District in Survey No.210/2B, 210/3, 210/4, 210/5 an extent of 22345 sq. feet.

For Petitioner : Mr.P.Tamilavel

For Respondents : Mr.U.Baranidharan, AGP



The petitioner has filed this Writ petition seeking issuance of a Writ of Mandamus to forbear the 3rd respondent from interfering/laying road in the subject land.

2. The case of the petitioner is that his father, vide settlement deed Doc.No.12358/2012 dated 18.12.2012 settled the patta land comprised in S.Nos.210/2B, 210/3, 210/4, 210/5, to an extent of 22345 sq. feet. situated at Karumapalayam Village, Avinashi Taluk, Tirupur District in favour of the petitioner and pursuant to the said settlement, the petitioner is in absolute possession and enjoyment of the said property. While so, the 3rd respondent, without any authority is trying to lay road in the petitioner's property. Aggrieved by the same, the petitioner made a representation dated 25.11.2017 before the 1st respondent, seeking to restrain the 3rd respondent from interfering with the petitioner's possession over the subject property, however, the same was not considered. Hence, this Writ petition.

3. Learned counsel for the petitioner submitted that, the subject



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property is a pakka patta land and the same was initially allotted in favour of the petitioner's father, vide partition entered into between the petitioner's father and his brothers and thereafter, the same was settled in favour of the petitioner, vide settlement deed dated 18.12.2012 executed by the petitioner's father. While so, the 3rd respondent, without any authority and without following the due process of law, is trying to lay road in the petitioner's patta land, which is not sustainable. Hence, he prayed for appropriate orders.

4. Learned Additional Government Pleader appearing for the respondents submitted that, if the petitioner is the owner of the subject land, his possession will not be interfered with without following due process of law.

5. Recording the above said submission made by the learned Additional Government Pleader, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2022

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Index : Yes / No
Speaking Order : Yes / No

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M.DHANDAPANI, J.

skt

To

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The Office of District Collector,
Tiruppur.
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