



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED 29.09.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.22970 of 2022

Palaniyandi

..Petitioner

Vs

1.The Project Manager,
Office of National Highways Authority,
Plot No.1, Aishwarya Towers,
Indira Nagar,
Sennamanayakanpatti,
Thaadikombu Road,
Dindigul.

2.The Tahsildar,
Marungapuri Taluk,
Trichy District.

3.The Taluk Surveyor,
Marungapuri Taluk,
Trichy District.

4.The Head Surveyor,
Office of National Highways Authority,
Plot No.1, Aishwarya Towers,
Indira Nagar,
Sennamanayakanpatti,
Thaadikombu Road,
Dindigul.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, to direct the respondents to



measure the petitioner's land measuring about 0.06.78 ares comprised in S.F.No.283/3B2 situated at Aathupatti, Thuvarankurichi Village, Trichy District within the reasonable time stipulated by this Court.

For Petitioner : Mr.P.Ganapathi Subramanian

For R1 : Mr.P.Karthick

For R2 to R4 : Mr.C.Satheesh
Government Advocate

ORDER

Seeking issuance of Writ of Mandamus to direct the respondents to measure the petitioner's land, measuring an extent of 0.06.78 ares, in S.F.No. 283/3B2 situated at Aathupatti, Thuvarankurichi Village, Trichy District, the present Writ Petition has been filed.

2.Mr.P.Karthick, learned counsel takes notice for the 1st respondent and Mr.C.Satheesh, learned Government Advocate takes notice for the respondents 2 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.The learned counsel for the petitioner would submit that the petitioner's predecessor was in possession and enjoyment of the property in S.F.No.283/3, measuring an extent of 0.11.0 ares, situated at Aathupatti, Thuvarankurichi

<https://www.mhcvijay.in/judis> Village, Trichy District, in which the land, measuring an extent of 0.03.0 ares,



was acquired by the National Highways Authority/the 1st respondent. The remaining extent of the aforesaid land was later sub-divided as S.F.No.283/3B2 and was now in possession and enjoyment of the petitioner and patta in Patta No.2024 was also issued in his favour. At this stage, without any prior intimation, the 1st respondent attempted to encroach the remaining extent of land for the purpose of laying the road without providing any compensation to the petitioner. Hence, the petitioner sent a representation dated 25.07.2022 to the respondents requesting them to demarcate and fix the exact four boundaries of the petitioner's property. However, the the same has not been considered so far. Hence, left with no other alternative, the petitioner is before this Court.

4.The learned counsel for the 1st respondent would submit that the authorities have already laid the service road and they are not interfering with the peaceful possession and enjoyment of the petitioner's property.

5.Recording the submission of the learned counsel for the 1st respondent, this Court directs the respondents to consider the petitioner's representation dated 25.07.2022 and dispose of the same on merits and in accordance with law, by demarcating and fixing the exact four boundaries of the petitioner's property in the presence of the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



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V.BHAVANI SUBBAROYAN,J

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6.With the aforesaid direction, the Writ Petition stands disposed of. No costs.

Index : Yes/No
Internet :Yes/No
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29.09.2022

To

- 1.The Tahsildar,
Marungapuri Taluk,
Trichy District.
- 2.The Taluk Surveyor,
Marungapuri Taluk,
Trichy District.
- 3.The Head Surveyor,
Office of National Highways Authority,
Plot No.1, Aishwarya Towers,
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