



WEB COPY



Writ Petition No.3993 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13/2/2023

C O R A M

THE HONOURABLE Mr.JUSTICE N. SATHISH KUMAR

Writ Petition No.3993 of 2023

a n d

W.M.P.No.4048 of 2023

1. Balasubramaniam
 2. Soundharavalli
 3. Kumararathinam
- ... Petitioners

Vs

1. The District Collector
Tiruppur
Tiruppur District.
 2. The Revenue Divisional Officer
Dharapuram
Tiruppur District.
 3. The Tahsildar
Dharapuram
Tiruppur District.
 4. The Block Development Officer
Kundadam
Tiruppur District.
 5. The Panchayat President
Kannankoil Village
Kundadam, Dharapuram
Tiruppur District.
- ... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to forbear the respondent from taking any further action in laying road in Ka.Sa.No.66, Re-Survey No.39/1 (Old Ka.Sa.No.42) and Re-Survey No.39/2 (old Ka.Sa.No.44) situated at Kannankoil Village, Dharapuram Taluk, Tiruppur District, without following the due process of law.

For Petitioner ... Mr.K.Myilsamy

For respondents ... Mr.N.Naveen Kumar
Government Advocate
for R.R.1 to 3.

Mr.V.Nanmaran
Additional Government Pleader
for R.R.4 and 5.

ORDER

This writ petition has been filed to forbear the respondents from taking any further action in laying road in Ka.Sa.No.66, Re-Survey No.39/1 (Old Ka.Sa.No.42) and Re-Survey No.39/2 (old Ka.Sa.No.44), situated at Kannankoil Village, Dharapuram Taluk, Tiruppur District, without following the due process of law.



2. The case of the petitioners is that they are the absolute owners of the property, in Re.S.Nos.39/1 and 39/2, situated at Kannankoil Village, Dharapuram Taluk, Tiruppur District. In the year 2021, respondents measured the property of the petitioners. While questioning, it was informed that they are going to lay a road. Hence, the petitioners have filed a suit in O.S.No.310 of 2021, seeking permanent injunction as against the respondents 1, 3 and 4 before the District Munsif, Dharapuram. Pending suit, once again, the respondents are trying to lay a road in the patta land of the petitioners. Hence, the petitioners have come forward with the instant writ petition praying for the relief as stated therein.

3. Heard Mr.K.Myilsamy, learned counsel appearing for the petitioner.

4. Mr.N.Naveen Kumar, learned Government Advocate takes notice for the respondents 1 to 3 and Mr.V.Nanmaran, learned Additional Government Pleader takes notice for the respondents 4 and 5.

5. By consent, the main writ petition is taken up for final disposal, at the admission stage itself.



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6. Mr.V.Nanmaran, learned Additional Government Pleader appearing for the respondents 4 and 5 submitted that they are laying the road in S.Nos.37/2, 37/3, 38/2 and 38/3 and not in the petitioners property, viz., Re.S.Nos.39/1 and 39/2.

7. Submission of the learned Additional Government Pleader is recorded.

8. In view of the above, nothing survives for further adjudication and accordingly, this **writ petition is closed**. No costs. Consequently, the connected Miscellaneous Petition is closed.

13/2/2023

Index : Yes / No
Internet: Yes
Speaking/non speaking order
Neutral Citation: Yes/No

mvs.



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N. SATHISH KUMAR, J



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