



W.P.No.7999 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.7999 of 2023

Dhanam @ Chinnapapa

.. Petitioner

Vs.

1. The District Collector
District Collector Office
Dharmapuri
Dharmapuri District.

2.The Assistant Divisional Engineer
Highways Department
Near LIC Office
Dharmapuri District.

3.Assistant Engineer
Highways Department
Near LIC Office
Dharmapuri District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India
praying for a writ of Mandamus directing the respondents to permit the



W.P.No.7999 of 2023

petitioner to reside the house in Dharmapuri District, Akamanahalli Village Survey No.303/2 which is belonging to the respondents by considering the petitioner's representation dated 11.02.2023.

For the Petitioner : Mr.V.Balamurugan

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondents 1 to 3

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition has been filed praying for issuance of a writ of Mandamus directing the respondents to permit the petitioner to reside in the house in Dharmapuri District, Akamanahalli Village Survey No.303/2 which belongs to the respondents, by considering the petitioner's representation dated 11.02.2023.

2. Learned counsel for the petitioner submitted that being a widow and homeless woman, the petitioner has constructed a small residential house in Survey No.303/2 which is belonging to the 2nd respondent / Assistant Divisional Engineer (Highways Department). It is admitted that the land in question is classified as 'Pattai Poramboke'.



W.P.No.7999 of 2023

WEB COPY

The petitioner, after constructing the house has also obtained electricity service connection bearing S.C.No.0180011877 and has been paying the necessary electricity charges for the past 30 years. In addition thereof, she has been paying house tax also to the Revenue Department, Government of Tamil Nadu for more than three decades without any interruption from the respondents. Though the petitioner's house has been constructed 100 feet away from the National Highway and State Highway roads and it is no way connected to the Highway property, it is alleged that the respondents are trying to evict the petitioner forcefully and to demolish the house. Hence, the petitioner has approached this Court by filing the present writ petition.

3. Learned State Government Pleader appearing on behalf of the respondents would submit that, it is the admitted case of the petitioner in Para 2 of the affidavit filed in support of the writ petition that the land covered in Survey No.303/2 is classified 'Pattai Poramboke'. No one can encroach or utilise the said land except for using the same for spreading the paddy or preparing the paddy during harvest season.



W.P.No.7999 of 2023

Therefore, constructing a house in the land belonging to the Highways Department is not legally permissible and when the 2nd respondent, to whom the land belongs, requires the land in question for expansion of road, the petitioner cannot say that she is a widow and homeless woman and therefore she should be allowed to encroach on the land belonging to the Highways Department. Learned State Government Pleader further submits that presently there is no proposal to evict the petitioner from the land in question.

4. In view of the above submission made by the learned State Government Pleader appearing for the respondents, we do not find any merits in the submissions made by the learned counsel for the petitioner and are unable to entertain this writ petition. Accordingly, this writ petition is dismissed. However, there shall be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
16.03.2023

Index : Yes/No
Neutral Citation : Yes/No

kst

Page 4 of 6



W.P.No.7999 of 2023

WEB COPY

To

1. The District Collector
District Collector Office
Dharmapuri
Dharmapuri District.
- 2.The Assistant Divisional Engineer
Highways Department
Near LIC Office
Dharmapuri District.
- 3.Assistant Engineer
Highways Department
Near LIC Office
Dharmapuri District.



WEB COPY



W.P.No.7999 of 2023

T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY,J

(kst)

W.P.No.7999 of 2023

16.03.2023