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W.P.No.11145 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11145 of 2020

and

W.M.P.Nos.13589 of 2020 and 25703 of 2021

K.Kumaresan

... Petitioner

Vs.

1. The District Collector,
Cuddalore District,
Cuddalore.
2. The Sub Collector,
O/o. Revenue Divisional Officer,
Chidambaram,
Cuddalore District.
3. The Tahsildar,
Chidambaram Taluk,
Cuddalore District.
4. The Divisional Engineer,
Highways Department,
Chidambaram,
Cuddalore District.
5. The Assistant Engineer,
Highways Department,
Chidambaram,
Cuddalore District.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus, forbearing the respondents, their men, agents, servants or any other persons claiming through them, from in any way disturbing the peaceful possession and enjoyment of the property of the petitioner in respect of his agriculture patta land properties comprised in Survey No. 187/8 – 23.5 cents and Survey No. 187/9 – 47 cents situated at Keezhmoongiladi Village, Chidambaram Taluk, Cuddalore District, without following due process of law.

For Petitioner	:	Mr. N.Vijayakumar for M/s. A.Ramalingam
For Respondents	:	Mr. D.Ravichander, Special Government Pleader

ORDER

The writ petition has been filed forbearing the respondents, their men, agents, servants or any other persons claiming through them, from in any way disturbing the peaceful possession and enjoyment of the property of the petitioner in respect of his agriculture patta land properties comprised in Survey No. 187/8 – 23.5 cents and Survey No. 187/9 – 47 cents situated at Keezhmoongiladi Village, Chidambaram Taluk, Cuddalore District, without following due process of law.



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2. The grievances of the writ petitioner is that the respondents are attempting to interfere with the property belonging to the petitioner, which is a patta land. In view of the fact that the authorities have conducted survey, the writ petitioner has filed the present writ petition.

3. The learned Special Government Pleader appearing for the respondents relying on the counter-affidavit dated 18.11.2020 filed by the 3rd respondent, made a submission that the authorities have surveyed the land and identified the Highway land for the purpose of constructing a new culvert land. The authorities have not interfered with the land belonging to the writ petitioner. In this regard, paragraph 4 of the counter-affidavit dated 18.11.2020, reads as follows:-

“ 4. It is submitted that the poor farmers and general public of Melamoongiladi madhura Thaiyakuppam, Keezhmoongiladi madhura Ambalathadikuppam, K.S.Mandapam and Paaloothangarai sent representations requesting to construct a new culvert at 1/8km of Lalpuram-Mandapam Salai so as free flow of water during rainy season so as to avert damages to



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the crops in and around the existing culvert which is in dilapidated condition. On receipt of such requests, this respondent along with Surveyor and Village Administrative Officer surveyed the concerned lands in the presence of the concerned land owners and demarcated the land belong to the Highways Department. After identifying the Highways land in Survey No.245 to an extent of 0.15.0 Ares, the Highways Department took action to construct a new culver in Survey No.245. At this stage, the petitioner has approached this Hon'ble Court by filing this writ petition and obtained an order of status quo.”

4. In view of the fact that the Tahsildar, Chidambaram Taluk, Cuddalore District along with Surveyor and Village Administrative Officer surveyed the concerned lands in the presence of the concerned land owners and demarcated the land belonging to the Highways Department, there is no reason to consider the relief as such sought in the present writ petition.



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5. Accordingly, the writ petition in W.P.No.11145 of 2020 stands dismissed. Consequently, the connected miscellaneous petitions are closed.

No costs.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

skr

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