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W.P.No.13911 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.05.2023**

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P.No.13911 of 2023

Malathi

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Chennai.
- 2.The Commissioner,
Corporation of Chennai
Rippon Building,
Chennai – 600 003.
- 3.The Assistant Commissioner,
Zone-3, Madhavaram,
Chennai – 600 060.
- 4.The Assistant Engineer,
Zone-3, Madhavaram,
Chennai – 600 060.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents from laying road in the petitioner's land situated in Natham Survey No.950/2, Madhavaram Village, Thiruvallur District by considering the petitioner representation dated 30.03.2023.



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For the Petitioner : Mr.C.Premkumar

For the Respondents : Mr.S.Prabhakaran
Government Advocate
for first respondent

: Mr.E.C.Ramesh
Standing Counsel
for respondents 2 to 4

ORDER

This writ petition has been filed by the petitioner seeking issuance of a writ of mandamus to forbear the respondents from laying road in the petitioner's land situated in Natham Survey No.950/2, Madhavaram Village, Thiruvallur District by considering the petitioner's representation dated 30.3.2023.

2. The case of the petitioner is that the petitioner's father, who originally owned the property in Natham Survey No.950/2 situated at Madhavaram Village, Anna Street, Thiruvallur District, to an extent of 9245 sq. ft., died on 1.12.2014 and after his death the property devolved upon the the petitioner and other heirs. During the life time of her father, he had constructed 7 houses and put each one of the legal heir in separate possession by oral partition. The further case of the petitioner is that the remaining vacant land measuring an extent of



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3990 sq. ft. has been in their common possession and enjoyment continuously. When things stood thus, the respondent authorities, claiming that the said land of an extent of 3990 sq. ft. in Natham Survey No.950/2 belongs to them, are attempting to dig the land for the purpose of laying a road. According to the petitioner, the respondent authorities have not right over the land in question. In this regard, the petitioner has submitted a representation to the respondent authorities on 30.3.2023. As the said representation did not evoke any response, the present writ petition has been filed.

3. Mr.E.C.Ramesh, learned Standing Counsel appearing on behalf of respondents 2 to 4, submitted that, if four weeks' time is granted, the second respondent would consider the representation of the petitioner dated 30.3.2023 and pass appropriate orders.

4. In view of the aforesaid submission made by learned Standing Counsel appearing on behalf of respondents 2 to 4, without going into the merits of the matter, the writ petition is disposed of with a direction to the second respondent to consider the representation of the petitioner dated 30.3.2023, on merits and in accordance with law, and pass appropriate orders within a period of four weeks from the



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date of receipt of a copy of this order. It is made clear that no coercive action shall be taken by the respondents till the disposal of the representation of the petitioner. There will be no order as to costs. Consequently, W.M.P.No.13570 of 2023 is closed.

05.05.2023

Internet : Yes / No
sasi/bbr

To

- 1.The District Collector,
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Chennai.
- 2.The Commissioner,
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Rippon Building,
Chennai – 600 003.
- 3.The Assistant Commissioner,
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A.D.JAGADISH CHANDIRA, J.

sasi/bbr

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