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W.P.No.19822 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :24.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.19822 of 2023 and

W.M.P. No.19154 of 2023

P. Shanmugam

...Petitioner

Vs.

1. The Project Director
National Highways Authority of India
Narasothipatti, Salem – 4
2. The Commissioner
Salem Corporation,
Salem.
3. The Assistant Executive Engineer,
Underground Sewer Special Project,
Salem Corporation, Salem.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from proceedings with any construction work in the petitioner's patta land comprised in 11/2, 15/2, 15/4 (RS No.15/9B) of Seelanaickanpatty Village, Dhadagapatti, Salem District.



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For Petitioner : Mr. R. Nalliyappan
For respondent1 : Mr. Su. Srinivasan
Standing Counsel for NHAI
For respondents 2 & 3 :Mrs. N. Devi
Standing Counsel(Salem Corporation)

ORDER

The Writ petition is filed seeking issuance of a writ of mandamus forbearing the respondents from constructing in petitioner's Patta land comprised in Survey No.11/2,15/2, 15/4 (RS No.15/9B) of Seelanaickanpatti Village, Dhadagapatti, Salem District.

2. When the matter is taken up for hearing, the learned Standing Counsel (Salem Corporation) appearing for the 2nd and 3rd respondents on instructions submits that they are not doing any construction work in the above said Survey Number. The said statement is recorded.

3. The learned Standing counsel (NHAI) appearing for the 1st respondent by taking this Court to the counter affidavit filed by the 1st respondent



submitted that they are constructing drainage channels in Town Survey Nos.227 and 228 and they are not making any construction in Town Survey No.233/1 which is equivalent to Survey Nos.11/2, 15/2, 15/4 and RS No.15/9B.

4. The relevant averment in the counter affidavit of 1st respondent reads as follows:-

“5. I respectfully submit that in pursuance to that NHAI PIU, Salem to carry out the above works, surveyed the lands required for constructing drainage in Ward-X Block-5 Town S.No.227 measuring extent 00950.0sq.mtr and in Sy.No.228 measuring an extent 09450.0 Sq.mtr. These Nos.227 and S.No.228 are situated at Seelanaickenpatti Village, Salem South Taluk, Salem District. The above lands in S.Nos.227 and 228 as per revenue records comes under the category of Road Poramboke. Neither petitioner nor any other person can claim any title, right or interest over these lands as it comes under the category of Road Poramboke. Thus the above lands in S.Nos.227 and 228 where the construction of drainage work is being carried out by this respondent upon the advice of District Collector, Salem for the welfare of public at large,



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absolutely belongs to the Government.

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6. I further submit that as per revenue records the lands in ward-10, Block:5 Town Sy.No.233/1 Seelanaickenpatti Village, Salem South Taluk, Salem District belongs to (Sy.No.11/2, 15/2, 15/4 and RS No.15/9B) K.Sampooranamal & others. I respectfully submit that no excavation work or construction work is being carried out by this respondent in the above patta lands of which the petitioner claims to be owner. Hence, it is utter false to allege that this respondent is taking steps to construct drainage in the petitioner's patta land measuring to an extent of 600 sq.ft. In this regard, it is to submit that NHAI is not carrying out any such work in the patta land of the petitioner”.

5. The statement of 1st respondent that they are not carrying out any construction work in the patta land of the petitioner is recorded and the Writ petition is closed. No costs. Consequently, connected miscellaneous petition is also closed.

24.08.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order

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Neutral Citation Case : Yes/No
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S.SOUNTHAR, J.

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