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W.P.No.25244 of 2023

+IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25244 of 2023
and W.M.P.No.24657 of 2023

1. K.Rajendran
2. K.Manoharan
3. K.Govindan
4. K.Kumar

...Petitioners

Vs.

1. The District Collector
Dharmapuri
2. The Assistant Director
Town Panchayats
Collector Office Building
Dharmapuri 636 705
3. The Executive Officer
Town Panchayat
Harur, Dharmapuri District
4. The Inspector of Police
Harur Police Station
Harur, Dharmapuri District

5.D.Dhanabal

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 not to lay a road in petitioners patta land in S.No.15/1A1 and 15/2A1 of Mettupatti Village, Harur Taluk, Dharmapuri District without following the due process of law consequently directing the respondents 1 & 2 to conduct personal hearing considering the representation dated 27.04.2023.

For Petitioners : Mr.V.Regunathan

For Respondents 1,2 & 4 : Mr.P.Anandha Kumar
Government Advocate

For Respondent 3 : Mr.P.Sathish
Additional Government Pleader

ORDER

Mr.P.Anandha Kumar, learned Government Advocate takes notice for the respondents 1, 2 and 4. Mr.P.Sathish, learned Additional Government Pleader takes notice for the 3rd respondent.

2.The petitioners herein seek a direction to the respondents 1 to 3 not to lay the road in their patta lands in S.No.15/1A1 and 15/2A1 of Mettupatti Village, Harur Taluk, Dharmapuri District. It is the case of the petitioners that



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the above mentioned properties were originally belong to grand father of the petitioners and he executed a will bequeathing the properties in favour of his grand children namely the petitioners. It is also stated by the petitioners that the revenue documents are also standing in the name of the petitioners in respect of S.No.15/2A1. In support of their claim, the petitioners produced the patta which stands in their name in respect of S.No.151/2A1 and joint patta stands in the name of their father and others in respect of S.No.151/1A1. It is further stated by the petitioners that the respondents are making attempt to lay road in the above said lands belong to the petitioners.

3.In this regard, the petitioners submitted a representation to the 2nd respondent on 27.04.2023 enclosing the patta and other documents in support of their claim. In response to the same, the 2nd respondent in his proceedings dated 02.05.2023 in Na.Ka.No.1286/2023/P1, directed the 3rd respondent to conduct enquiry and take appropriate action along with Junior Engineer.

4.In view of the same, the 3rd respondent is directed to consider the claim of the petitioners on merits and in accordance with law and pass final orders on their representation dated 27.04.2023 within a period of six weeks from the



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date of receipt of a copy of this order after issuing necessary notice to the petitioners as well as the 5th respondent.

5. With this direction, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

28.08.2023
(2/2)

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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S.SOUNTHAR, J.

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