



W.P.No.25238 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.08.2023

CORAM

THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.25238 of 2023
and W.M.P.No.24647 of 2023

R.Shanthamani

...Petitioner

Vs.

1. The District Collector/
Inspector of Panchayat,
Coimbatore,
Coimbatore District.
2. The Commissioner
Panchayat Union,
Annur,
Coimbatore
3. The President,
Vadavalli Town Panchayat
2WH2+9RR,
Periyar Nagar,
Panchayat Office,
Marudhamalai Main Road,
Vadavalli,
Coimbatore.
4. The Thasildar
Annur,
Annur Taluk,
Coimbatore District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, for bearing the respondents from laying the road in the property admeasuring 95 cents comprised in S.No.260/1, situated in Vadavalli Village, Annur Taluk, Coimbatore district.

For Petitioner	: Mr.R.Rajarajan
For Respondents 1 & 4	: Mrs.S.Anitha, Special Government Pleader
For Respondents 2 & 3	: Mr.P.Gurunathan Additional Government Pleader

ORDER

The petitioner herein seeks issue of Writ of Mandamus forbearing the respondents from laying the road in the property measuring 95 cents comprised in Survey No.260/1 situated at Vadavalli Village, Annur Taluk, Coimbatore District.

2.It is the case of the petitioner that she is the absolute owner of the above mentioned property, having purchased the same under a registered Sale



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Deed dated 11.09.1992. There is a panchayat road on the Eastern side of the above mentioned property. The respondents 2 and 3 in the guise of laying panchayat road made an attempt to encroach the private property of the petitioner comprised in S.No.260/1 and lay road there on. In this connection, the petitioner lodged a complaint to the 2nd respondent and he in turn addressed a letter to the 4th respondent on 24.07.2023, directing him to survey the property and earmark the panchayat road.

3.Mrs.S.Anitha, learned Special Government pleader takes notice for the respondents 1 and 4. Mr.P.Gurunathan, learned Additional Government Pleader takes notice for the respondents 2 and 3.

4.In view of the grievance experienced by the petitioner as if the respondents are admitting to encroach her private property comprised in S.No.260/1 and also the fact a direction was also already issued by the 2nd respondent to the 4th respondent to survey the property comprised in S.No.260/1, this Court is inclined to issue a direction to the 4th respondent to survey the property in question, after issuing notice to the petitioner and other interested parties and earmark the road portion to enable the 3rd respondent to



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lay road in the land classified as panchayat road on the Eastern side of the petitioner's property. The exercise shall be completed by the 4th respondent within a period of six (6) weeks from the date of receipt of a copy of this order. Till such time, the petitioner's possession and enjoyment in Survey No.260/1 shall not be disturbed. It is also made clear that any final decision made by the 4th respondent shall be communicated to the petitioner.

5. With these directions, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

28.08.2023

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

To

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Inspector of Panchayat,
Coimbatore,
Coimbatore District.
2. The Commissioner
Panchayat Union,



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Annur,
Coimbatore

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3. The President,
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S.SOUNTHAR, J.

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