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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated : 09.03.2023

CORAM

**THE HONOURABLE MR. JUSTICE M.DHANDAPANI**

W.P.No.31340 of 2018  
WMP. No.36528 of 2018

P.Rajakani

... Petitioner

Vs.

1. The District Collector,  
Greater Chennai, Chennai – 600001.

2. The Deputy Secretary to Government,  
Highways and Minor Ports (HV2)  
Department, Secretariat, Chennai – 600009.

3. The Superintending Engineer,  
National Highways,  
Arumbakkam, Chennai – 600106.

4. The Tahsildar,  
Office of the Taluk Office,  
Purasawalkam, Chennai – 600003.

5. The Revenue Inspector II,  
Office of The Taluk Office,  
Purasawalkam,  
Chennai – 600003.

... Respondents

**Prayer:** Writ petition filed under Article 226 of the Constitution of India,  
praying for the issuance of Writ of Mandamus forbearing the respondents



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their men/ servants/ agents/ representatives or any body claiming under them from interfering with the petitioners peaceful possession and enjoyment of the residence of the petitioner at No. 161, Strahans Road, Otteri, Chennai - 600012 under the guise of Toll fees dues by the 4th respondent.

For Petitioner : Mr.D.Panchatsaram

For Respondent : Mr.Premkumar, GA RR1,2,4  
Mr.Su.Srinivasan, R3

### **ORDER**

This Writ Petition has been filed forbearing the respondents their men/ servants/ agents/ representatives or any body claiming under them from interfering with the petitioners peaceful possession and enjoyment of the residence of the petitioner at No. 161, Strahans Road, Otteri, Chennai - 600012 under the guise of Toll fees dues by the 4th respondent.

2. It is the grievance of the the petitioner that her husband was doing fire wood business from the year 1966 and he has taken a tender for toll collection in the year 1993 at Madurantakam and in the year 1995, the petitioner's husband paid entire balance amount to the Highways Department in respect of toll collection tender without any dues. Subsequently, on 06.06.2017, the petitioner's husband died. All of a sudden, on 17.05.2018 a



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notice was sent to the petitioner stating that a sum of Rs.15,87,897/- is balance to be paid by her husband. Again on 15.10.2018, the 4<sup>th</sup> respondent issued a notice demanding a sum of Rs.15,77,897/- payable by the petitioner's husband. Without having no other alternative remedy, the petitioner has filed the present writ petition before this Court.

3. The learned counsel for the petitioner submitted that no demand was made by the respondent from 1993 to 2017 and after her husband's death, to grab the money from the petitioner, the respondents sent the demand notice. Hence, this Court may direct the respondents not to interfere with the petitioners peaceful possession and enjoyment of the premises under the guise of toll fees dues.

4. The learned Government Advocate appearing on behalf of the respondents submitted that there is no threat of dispossession of the petitioner's premises and the respondents have sent a demand notice only for collection of dues to the Government. If the petitioner is not paid the dues, an appropriate action will be taken in the manner known to law.



5. Heard the learned counsel for the petitioner and the learned Government Counsel appearing for the respondents and perused the materials available on record.

6. Recording the submission made by the learned Government Advocate, this writ is disposed of with liberty to the respondents to initiate the proceedings in the manner known to law. No costs. Consequently, connected miscellaneous petition is also closed.

09.03.2023

Index: Yes/ No

Internet: Yes/No

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To

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**M.DHANDAPANI,J.**

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