



WEB COPY



W.P.No.3748 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.3748 of 2024

and

W.M.P.No.4053 of 2024

N.Dhanasekaran

.. Petitioner

VS

1.The Assistant Divisional Engineer (C&M),
Department of Highways,
Bhavani sub-division,
Erode District.

2.The Assistant Engineer (C&M),
Anthiyur Section,
Erode District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus forbearing the respondents, men, agents, servants or any other persons claiming through them from in any way disturbing the peaceful possession and enjoyment of the agricultural land of the petitioner in S.F.No.1005/1B, Anthiyur Village, Anthiyur Taluk, Erode District, without following due process of law.

For Petitioner : Mr.E.P.Senniyangiri



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For Respondents : Mr.G.Nanmaran
Special Government Pleader

ORDER

Mr.G.Nanmaran, learned Special Government Pleader accepts notice for the respondents and is armed with requisite instructions to enable a purposeful disposal of this matter, even at the stage of admission.

2. The petitioner claims to be the owner of agricultural land at S.No.1005/1B, 1005/1C1B, 108/2 Anthiyur Village, Erode District ('land'/'land in question'). A portion of the land abuts the village road by name Kandiyannur Metur – Michalepalayam Road, where the Department of Highways has commenced the assignment of strengthening of road and construction of a bridge.

3. It is the petitioner's grievance that while executing the aforesaid work, the respondents are encroaching into his patta land without any authority. He alleges that they have damaged the fencing and the rough stone basement and also uprooted the fully grown three coconut trees with the assistance of heavy machines. Despite his complaint, the respondents show no sign of desisting.

4. Hence, this writ petition seeking mandamus forbearing the



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respondents from interfering with the petitioner's peaceful possession of his agricultural land.

5. Mr.Nanmaran, on instructions, would accede that the respondents are carrying out certain works in the vicinity of the petitioner's land and tenders an explanation in regard to the allegations put forth by the petitioner.

6. However, being questions of fact, it would be appropriate that the petitioner meet the 1st respondent/Assistant Divisional Engineer (C & M), Department of Highways in Bhavani Sub-Division and explain the nature of his grievances. He may carry a written representation in this connection. The petitioner will be granted audience, heard and his grievances considered in accordance with law by the respondents forthwith, and in any event, prior to proceeding with the work that the respondents are engaged in presently, proximate to the land in question.

7. This writ petition is disposed in the aforesaid terms. No costs. Connected Miscellaneous Petition is closed.

19.02.2024

Index:Yes/No
Neutral Citation:Yes
mpl



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DR. ANITA SUMANTH,J.

mpl

To

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Erode District.

2.The Assistant Engineer (C&M),
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