



W.P.No.24456 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.24456 of 2013

and

M.P. No. 1 of 2013

1. Veeraraghavan

2. Gunasekaran

... Petitioners

Vs

1. The District Collector,
Kanchipuram District,
Kanchipuram.

2. The Thasildhar,
Sriperumbudur Taluk,
Kanchipuram District.

3. The President,
Makanyam Village Panchayat,
Makanyam,
Sriperumbudur Taluk,
Kanchipuram District.

4. C.Boopathy

... Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the respondents from laying any road in petitioner's patta lands measuring an extent of 32 cents in S. No. 51/3C2 Alagoor Village, Sriperumbudur Taluk, Kanchipuram District.

For Petitioners : Mr. T.Sathiyamoorthy

For Respondents : Mr. N.Naveen Kumar,
Government Advocate (for R1 & R2)

Mrs. M.E.Rani Selvam (for R3)

O R D E R

This Writ Petition has been filed to restrain the respondents from laying any road on the petitioner's patta lands, measuring an extent of 32 cents, comprised in S.No.51/3C2, situated at Alagoor Village, Sriperumbudur Taluk, Kanchipuram District.

2. Heard the learned counsel for the petitioner, the learned Government Advocate appearing for the first and second respondents and the learned counsel for the third respondent and perused the materials available on record.



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3. The petitioners' great-grandfather had purchased nanja lands measuring an extent of 49 cents, comprised in Survey No. 51/3, situated in Alagoor Village, within the Makanyam Village Panchayat, Sriperumbudur Taluk, Kanchipuram District, by a registered sale deed dated 15.10.1958, vide Document No. 3588 of 1958. Pursuant to an oral partition between the sons of the petitioners' great-grandfather, the lands comprised in Survey No. 51/3 were allotted to the petitioners' grandfather. The petitioners' grandfather had executed a Will dated 02.10.1989, bequeathing the said lands in favour of the petitioners. After the execution of the Will, the petitioners' grandfather died on 24.06.1991.

4. While that being so, the third respondent, without even any permission and without acquiring the said lands, attempted to lay a road in the patta lands owned by the petitioners. So far, no road has been laid till today, in view of the interim order passed by this Court. Therefore, the respondents are restrained from laying any road on the petitioners' patta land without any due process of law.



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5. With the above directions, this Writ Petition is disposed of.

Consequently, the connected Miscellaneous Petition is closed. No costs.

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Index: Yes/No

Neutral Citation/Yes/No

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To

1. The District Collector,
Kanchipuram District,
Kanchipuram.
2. The Thasildhar,
Sriperumbudur Taluk,
Kanchipuram District.
3. The President,
Makanyam Village Panchayat,
Makanyam,
Sriperumbudur Taluk,
Kanchipuram District.



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G.K.ILANTHIRAIYAN, J.

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