



W.P.No.11762 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 21.10.2024

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 11762 of 2021

K.Shankar Anand

... Petitioner

Vs.

The State rep by its

1 The Secretary to Government of Tamil Nadu
The Secretariat,
St. George Fort, Chennai-600 009.

2 The District Collector
Vellore District,
Vellore- 632009.

3 The Tahsildar
Taluk Office,
Tirupattur- 635 601.

4 The Block Development officer,
Regional Development Office,
Jolarpettai.

5 The Project Director,
District collector Office, Tirupattur.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to consider the representations dated 08.01.2021 and 27.01.2021 and consecutively take appropriate action to return back the land as such in survey No. 274/ 8 at Pachal Village, Jolarpettai Union, Tirupattur Taluk, Vellore District.

For Petitioner : Ms.S.Lakshmi

For Respondents : Mr.S.Jayachandran,
Government Advocate, for RR1 to 3 & 5

Mr.C.Harsharaj, for R4

ORDER

This Writ Petition has been filed for a direction, directing the 2nd respondent to return back the land comprised in Survey No.274/8 of Pachal Village, Jolarpettai Union, Tirupattur.

2. The case of the petitioner is that he had purchased the property comprised in Old Survey No.274/2, 274/2A and New Survey No.274/2A2,



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274/8 situate at Pachal Village, Jolarpettai, Tirupattur District by the registered sale deed dated 07.06.2003 vide Document No.2365 of 2003 from one G.Athilakshmi, wife of R.Govindaraj. While being so, the respondents without acquiring the subject land, encroached upon the land and laid road. The petitioner was also not served any notice. Therefore, the petitioner submitted representation to return back the subject land.

3. On perusal of the counter and on submission made by the learned counsel appearing for the 4th respondent revealed that originally the subject land along with other lands owned by Jayalakshmi, Dharumalingam, Perumal and Boopathy. In order to develop the said property, they had shown 20 feet road comprised in Survey Nos.274/5E3, 274/5E2 and 274/8 which runs from Tirupattur to Velakalnatham as road path to attract buyers. The developers promised to handover the subject land in favour of the 4th respondent for laying proper road. However, the developer failed to handover the same. On the other hand with an intention to grab the subject land, they sold out the portion of the road by registered sale deed in favour of the petitioner and also one Athilakshmi. They are none other than the close relatives of the original developer.



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Therefore, as per the lay out, now the road has been laid. In fact, the general public of the Pasumai Nagar and Eshwaran Nagar lodged complaint as against the petitioner and others to cancel the registration in their favour. On perusal of the same, they filed CSR No.1049 / 2021 on the file of the Inspector of Police, Jolarpet Police Station and it is pending. Therefore, the prayer in this Writ Petition cannot be considered and the same is devoid of merits.

5. Accordingly, this Writ Petition is dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

21.10.2024

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Internet : Yes/No
Index : Yes/No
Speaking order:Yes/No
Neutral Citation:Yes/No



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G.K.ILANTHIRAIYAN, J.

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