



WEB COPY



W.P.No.2957 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P.No.2957 of 2016

Dhanalakshmi Ammal (Deceased)

2. G. Mohana Ramesh

3. Chandra Prema

(P2 and P3 are substituted as LR's of Deceased P1
as per Order dated 26.09.2024 in
W.M.P.No.23765 of 2022 in W.P.No.2957 of 2016
by GKIJ)

... Petitioner

Vs.

The President,
Ubhathalai Panchayat,
Ubhathalai, Coonoor,
Nilgiris District.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent herein to remove the road and other alleged accessories put up by the respondent on the northern portion of the petitioners' agricultural land 12.1 cents situated in Survey No.313/1 of Ubhathalai Village, Coonoor with Ubhathalai Panchayat Union, Coonoor Taluk, Nilgiris District.



WEB COPY



W.P.No.2957 of 2018

For Petitioner : Mr. P. Chandrasekaran

For Respondent : M/s.Royan Law Associates
No Appearance

ORDER

This Writ Petition has been filed for a direction, directing the respondent to remove the road put up in the petitioner's land ad-measuring to an extent of 12.1 cents comprised in Survey No.313/1 at Ubhathalai Village, Coonoor with Ubhathalai Panchayat Union, Coonoor Taluk, Nilgiris District.

2. The sole petitioner died and her legal heirs are substituted in the place of the deceased petitioner. The petitioner owned agricultural land ad-measuring 0.79 acres comprised in S.No.313/1 situated at Ubathalai Village, Coonoor Rural, Nilgiris District. It was originally purchased by the registered sale deed dated 05.10.1989 vide Document No.1390 of 1989. They were also issued with Patta No.1067. While being so, the respondent herein laid cement road on the pathway extending six feet inside the petitioners' Patta land in the northern side portion from east to west by



destroying tea plants which were planted by the petitioners. Though the petitioners objected, without considering the same, the respondent laid cement road in the Patta land owned by the petitioners. Now, the petitioner seeks direction as against the respondent to remove the cement road put up in the Patta land owned by the petitioners.

3. In view of the above, the Tahsildar, Coonnor, Nilgiris District is directed to survey the petitioner's Patta land comprised in Survey No.313/1 ad-measuring 0.79 acres comprised in S.No.313/1 situated at Ubathalai Village, Coonoor Rural, Nilgiris District as per the sale deed dated 05.10.1989 registered as Doc.No.1390 of 1989 and the land which is used for pathway and submit a survey report. As per the survey report, if any road construction laid by the respondent in the patta land owned by the petitioner, the respondent is directed to remove the same and handover the vacant portion of land to the petitioners forthwith.

4. Registry is directed to issue a Copy of this order to the Tahsildar, Coonnor, Nilgiris District also. The Tahsildar, Coonnor, Nilgiris District must ensure that the order shall be complied with letter and spirit.



WEB COPY



W.P.No.2957 of 2022



W.P.No.2957 of 2016

G.K. ILANTHIRAIYAN. J.,

ab

5. Accordingly, this writ petition is disposed of. No costs.

04.10.2024

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
ab

To

The President,
Ubhathalai Panchayat,
Ubhathalai, Coonoor,
Nilgiris District.

W.P.No.2957 of 2016