



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.12002 of 2020
and
W.M.P.No.14733 of 2020

S.Sathyanarayanan

... Petitioner

Vs.

- 1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai – 9.
- 2.The District Collector,
Thiruvallur District, Thiruvallur.
- 3.The Tahsildar,
Uthukottai Taluk,
Thiruvallur District.
- 4.The Block Development Officer (V/P),
Ellapuram Panchayat Union,
Ellapuram, Uthukottai Taluk,
Tiruvallur District.
- 5.The Village Panchayat President,
Alinjivakkam Village Panchayat,
Alinjivakkam Village,
Uthukottai Taluk,
Thiruvallur District.



6. The Vice President,
Alinjivakkam Village Panchayat,
Alinjivakkam Village,
Uthukottai Taluk,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, forbearing the respondents their men, agents, servants or any other persons claiming through them, from in any way disturbing the peaceful possession and enjoyment of the property of the petitioner in respect of her agriculture land properties comprised in S.Nos. 111/1F2, 112/1A2A, 112/2B, 111/1F(Part) (New Survey No.111/1F1, 111/1F3), 112/1A1, 112/1B, 113/1A1, 113/1A2, 113/4A, 112/1A2B (Part) 112/1A2B (Part), 113/4B, 113/1A1 situated at Alinjivakkam Village, Uthukottai Taluk, Thiruvallur District.

For Petitioner : Mr.K.Bijai Sundar
For Mr.P.G.Padmanabhan

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

ORDER

The writ of mandamus has been instituted to forbear the respondents their men, agents, servants or any other persons claiming through them, from in any way disturbing the peaceful possession and enjoyment of the property



of the petitioner in respect of her agriculture land properties comprised in S.Nos. 111/1F2, 112/1A2A, 112/2B, 111/1F(Part) (New Survey No.111/1F1, 111/1F3), 112/1A1, 112/1B, 113/1A1, 113/1A2, 113/4A, 112/1A2B (Part) 112/1A2B (Part), 113/4B, 113/1A1 situated at Alinjivakkam Village, Uthukottai Taluk, Thiruvallur District.

2. The writ petition has been instituted based on the apprehension that the respondents 3, 4 and 5 are attempting to interfere with the peaceful possession and enjoyment of the property belonging to the petitioner, which is patta land.

3. The learned Special Government Pleader appearing on behalf of the respondents based on the instructions made a submission that the authorities are not attempting to interfere with the patta property belonging to the petitioner. Adjacent to the property of the petitioner, Highways Road situated and the authorities are taking steps to improve the existing road and not initiated any further action.

4. It is needless to state that if at all lands are required for forming road or for expansion of road projects, actions are to be initiated to acquire the



land by following the due process of law. If the lands are already belongs to the highways, then also actions for eviction is to be initiated by following the procedures as contemplated under the Highways Act or under the Tamil Nadu Land Encroachment Act as the case may be.

5. At the outset, due process of law is to be followed before disturbing the possession of the petitioner in the subject property.

6. With these observations, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

04.01.2024

Jeni
Index : Yes
Neutral Citation : Yes / No
Speaking order / Non-speaking order

To

- 1.The Secretary to Government,
Rural Development and Panchayat Raj Department,
Fort St. George, Chennai – 9.
- 2.The District Collector,
Thiruvallur District, Thiruvallur.
- 3.The Tahsildar,



W.P.No.12002 of

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Thiruvallur District.

4.The Block Development Officer (V/P),
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5.The Village Panchayat President,
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S.M.SUBRAMANIAM, J.

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