



WEB COPY



W.P.No.19243 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.19243 of 2019

Mrs.K.S.Devi

... Petitioner

Vs.

- 1 The District Collector,
Kancheepuram,
Kancheepuram District.
- 2 The Special Officer,
Kovilambakkam Panchayat,
Kovilambakkam
Kancheepuram District
- 3 The Commissioner
St. Thomas Mount Panchayat Union,
Chittlapakkam,
Kancheepuram District.
- 4 The Director
Rural Development and Panchayat Raj,
Panagal Building, Saidapet, Chennai – 600 015.
- 5 B.Aravind
- 6 K.B.Anand Kishore



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7 Palanivel Rajan

8 Alagarsamy

9 Akila

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the Tar Road laid down by the 2nd respondent in the petitioner property measuring an extent of 3.3 ares (8.151 cents) in Survey No. 372/3D1 situated at Rajeswari Nagar, 1st Street, S.Kolathur Village (Sunnambu Kolathur Village), Sholinganallur Taluk St. Thomas Mount Panchayat Union, Kovilamabakkam Panchayat, Kancheepuram District and restore the subject property into original position.

For Petitioner : No appearance

For Respondents : Mr.S.Jayachandran, for RR 1 to 4

Mr.T.S.Vijaya Raghavan, for RR5 & 6

ORDER

This Writ Petition has been filed for a direction, directing the respondents 1 to 4 to remove the Tar road laid down by the 2nd respondent in the property comprised in Survey No. 372/3D1 ad measuring 3.3 ares



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situate at Rajeswari Nagar, 1st Street, S.Kolathur Village, Sholinganallur Taluk, Kancheepuram District.

2. The petitioner's father owned the subject property and he also issued patta. Thereafter, the subject land was settled in favour of the petitioner by the settlement deed vide Document No.449 of 2011. That part, the another property was also settled by his mother in favour of the petitioner vide settlement deed dated 08.08.2012 registered vide Document No.4707 of 2012. In the patta land, the 2nd respondent has laid down Tar road and as such the petitioner submitted a representation to remove the Tar road and restore the land in its original position.

3. The learned counsel for the 1st respondent submitted that the subject land is owned by the petitioner without any legal document and only on the basis of settlement deed, she obtained Patta. Subsequently, the Patta issued in favour of the petitioner is cancelled. Therefore, the petitioner cannot claim any right over the said property. That apart, there is some mud road in the subject property and the general public were using the same. In order to develop the same, the said road tapped with Tar. The said road is



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used by all the general public including the respondents 5 to 9 herein. That apart, the petitioner also filed a civil suit as against the respondents 5 to 9 and it is pending in O.S.No.425 of 2024 before the District Munsif Court, Sholinganallur.

4. In view of the above, the prayer in the Writ Petition cannot be granted and the same is devoid of merits. Accordingly, this Writ Petition is dismissed. No costs.

26.09.2024

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Internet : Yes/No

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

To

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G.K.ILANTHIRAIYAN, J.



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