



W.P.No.20995 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.07.2024

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.20995 of 2024
and W.M.P.No.22950 of 2024

Kaliyullah

.... Petitioner

Vs

- 1.The Secretary to Goernment,
Highways Department,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Kallakurichi District.
- 3.The Principal Director,
Highways Department,
Sartharpatal Road,
Guindy, Chennai.
- 4.The Divisional Engineer,
Highways Department,
Sankarapuram.
- 5.The Assistant Divisional Engineer,
Highways Department,
Sankarapuram.
- 6.The Zonal Engineer,
Highways Department,
Kallakurichi.



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7. The Block Development Officer,
Tirukoilur Town and Taluk,
Kallakurichi District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents from interfering the petitioner's peaceful possession and enjoyment of property measuring an extent of 2.43 (Two Acre forty three cents) situated in Survey No.2/1A, 3/3, 3/4 (Patta No.463) at Ja.Sithamur Village, Tirukoilur Taluk, Kallakurichi District.

For Petitioner : Mr.K.Sudhakar

For Respondents : Mr.Vadivelu Deenadayalan (for R1 to R6)
Additional Government Pleader

Mr.S.Ravichandran (for R7)
Additional Government Pleader

ORDER

Mr.Vadivelu Deenadayalan, learned Additional Government Pleader accepts notice for R1 to R6 and Mr.S.Ravichandran, learned Additional Government Pleader accepts notice for R7. Both are armed with necessary instructions to enable a final disposal of this Writ Petition, even at the stage of admission.

2. The petitioner claims ownership of the property in S.Nos.2/1A, 3/3 and 3/4 at Sithamur Village, Tirukoilur Taluk, Kallakurichi District



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('property'/'property in question') along with other legal heirs of his mother

Ayesha bee. According to him, the property is adjacent to a road running between Sithamuthur Village and Thiruvarankam Road.

3. There is a proposal for widening of that road in pursuance of which the respondents are encroaching upon their property. Despite a representation made by him to forbear and restrain them from encroaching upon the property, there is no response from the respondents. Hence, this Writ Petition seeking a mandamus forbearing the respondents from interfering with the petitioner's possession and enjoyment of the property in question.

4. Mr.Vadivelu Deenadayalan, has written instructions dated 24.07.2024 from the Divisional Engineer (H), C&M, Kallakurichi, a copy of which has been supplied to the learned counsel for the petitioner, to state that the work of the road widening has, indeed, been taken up and has been entrusted to a private contractor. The representation of the petitioner dated 09.07.2024 has been received by R4 and based on the same, R4 has addressed a letter to the Tahsildar, Thirukovilur on 12.07.2024 to mark the boundaries, particularly in the location where the property in question is situated.

5. In the said written instructions, R4 assures all concerned that no widening work would be carried out till such time proper measuring and marking of the boundary is made, particularly to ascertain whether there is any



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encroachment on private property. This is recorded. To add to this, the Court would require that such measures for measuring and marking of the boundary of the property in question be made in the presence of the petitioner.

6. Hence, let notice be issued to the petitioner prior to carrying out the activity of measuring and marking of the boundary of the property in question, such that there is transparency in the matter as well.

7. With this and as the grievance of the petitioner will be allayed by virtue of the above discussion and directions, this Writ Petition stands disposed. No costs. Connected Miscellaneous Petition is closed.

25.07.2024

Index : Yes / No
Speaking order
Neutral citations: Yes
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To

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Kallakurichi District.

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Highways Department,
Sartharpatal Road,
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4.The Divisional Engineer,
Highways Department,
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Highways Department,
Kallakurichi.

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Tirukoilur Town and Taluk,
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Dr.ANITA SUMANTH,J.

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