



WEB COPY



W.P.No.25468 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.25468 of 2024
and
W.M.P.No.27832 of 2024

S.Nagarathinam

... Petitioner

VS.

1.The District Collector,
Tiruppur District at Tiruppur

2.The Tahsildar,
Dharapuram Taluk,
Dharapuram, Tiruppur District.

3.The Divisional Engineer,
State Highways Department,
Alangiam Road, Dharapuram,
Tiruppur District.

4.The Assistant Divisional Engineer,
State Highways Department,
Alangiam Road, Dharapuram,
Tiruppur District.

5.The Executive Engineer,
State Highways Department,
Alangiam Road, Dharapuram,
Tiruppur District.

... Respondents



W.P.No.25468 of 2024

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to follow the due process of law before taking the possession of petitioner's property at Door No.31/37, Kovai Main Road, Kundadam – 638 702, Dharapuram Taluk, Tiruppur District in the land comprised in New Survey No.1071/17 (Patta land), measuring about 3 cents of land and New Survey No.1071/18 (Natham land) measuring about 3.3/4 cents, with the total measurement of 2943 Sq.ft., situate in Kundadam Village.

For Petitioner : Mr.K.Premkumar

For Respondents : Mr.U.Baranidaran
Additional Government Pleader

ORDER

The petitioner herein seeks a direction to the respondents to follow due process of law before taking possession of her property situated in Door No.31/37, Kovai Main Road, Kundadam, Dharapuram Taluk, Tiruppur District.

2. According to the petitioner, the land comprised in New Survey No.1071/17 (Patta land) measuring 3 cents and land comprised in New



W.P.No.25468 of 2024

Survey No.1071/18 (Natham land) measuring 3.3/4 cents with total extent of 2943 sq.ft., have been in possession and enjoyment of her family for more than 46 years for generations. It is also asserted by the petitioner that the Old Survey number has been assigned with New Survey Numbers as 1521/1 and 1521/4. The patta for the same was issued in the name of Periyasami Chettiyar, the father-in-law of the petitioner. It is the further case of the petitioner that the respondents without following any due process of law are attempting to dispossess the petitioner for the purpose of laying road in the portion of the property in her possession. Therefore, the petitioner has come before this Court.

3. It is also seen from the typed-set of papers that the petitioner submitted a representation before the respondents 1 and 2 seeking transfer of patta in the name of petitioner by taking into consideration her relationship with the original pattadar-Periyasamy Chettiyar and her long possession over the subject land. The said representation has not been considered by the respondents 1 and 2 till date.



W.P.No.25468 of 2024

4. In view of the assertion made by the petitioner that the respondents are making attempt to dispossess her without following due process of law, without going into the merits of the claim made by the petitioner, this Court is inclined to direct the 2nd respondent to consider the representation of the petitioner dated 30.01.2024 and pass final orders on its own merit, after issuing necessary notice to all interested parties, within a period of eight weeks from the date of receipt of a copy of this order. Till final order is passed by the 2nd respondent, on the representation of the petitioner, the respondents shall not disturb the possession of the petitioner except by following due process of law.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, the connected writ miscellaneous petition is closed.

03.09.2024

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



W.P.No.25468 of 2024

To

WEB COPY

1. The District Collector,
Tiruppur District at Tiruppur
2. The Tahsildar,
Dharapuram Taluk,
Dharapuram, Tiruppur District.
3. The Divisional Engineer,
State Highways Department,
Alangiam Road, Dharapuram,
Tiruppur District.
4. The Assistant Divisional Engineer,
State Highways Department,
Alangiam Road, Dharapuram,
Tiruppur District.
5. The Executive Engineer,
State Highways Department,
Alangiam Road, Dharapuram,
Tiruppur District.



WEB COPY



W.P.No.25468 of 2024

S.SOUNTHAR, J.

dm

W.P.No.25468 of 2024

03.09.2024