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W.P.No.29122 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.29122 of 2024

And

W.M.P.No.31798 of 2024

- 1.S.Mohanraj
- 2.S.Kothandaraman
- 3.Parasmal
- 4.Mohandoss
- 5.Gopu
- 6.Ramesh
- 7.Rajkumar

... Petitioners

Vs.

- 1.The Divisional Engineer
Construction and Maintenance,
Tamil Nadu State Highways Department,
Villupuram.
- 2.The Assistant Divisional Engineer
Construction and Maintenance,
Tamil Nadu State Highways Department,
Tindivanam Sub-Division,
Villupuram.
- 3.The Assistant Divisional Engineer
Construction and Maintenance,
Tamil Nadu State Highways Department,
Tindivanam Sub-Division (North),
Villupuram.

... Respondents



W.P.No.29122 of 2024

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein not to evict the petitioners herein from their property situated at Tindivanam Registration District, Avraipakkam Sub-Registration District, Tindivanam Taluk, Salavathi Village, New S.No.40/4A1C to an extent of Hc.0.42.5 (Ac 1.03) (old S.No.40/4A1 and original S.No.172/1,2,3,4,6,8,9 and 12) and New S.No.39/1 to an extent of Hc 0.40.5 (Ac 0.98) (old.S.No.39/1 erstwhile S.No.174/1,2,3,4,6 and 7), except by following due process of law, more particularly invoking concerned acquisition proceedings.

For Petitioners : Mr.P.Dinesh Kumar

For Respondents : Mr.LSM.Hasan Fizal

Additional Government Pleader

ORDER

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents herein not to evict the petitioners herein from their property situated at Tindivanam Registration District, Avraipakkam Sub-Registration District, Tindivanam Taluk, Salavathi Village, New S.No.40/4A1C to an extent



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of Hc.0.42.5 (Ac 1.03) (old S.No.40/4A1 and original S.No.172/1,2,3,4,6,8,9 and 12) and New S.No.39/1 to an extent of Hc 0.40.5 (Ac 0.98) (old.S.No.39/1 erstwhile S.No.174/1,2,3,4,6 and 7), except by following due process of law, more particularly invoking concerned acquisition proceedings.

2.The learned counsel appearing for the petitioners submitted that the petitioner are the owner of the subject premises, however, the respondents are trying to evict the petitioners for the purpose of widening the road.

3.Per contra, the learned Additional Government Pleader appearing for the respondents submitted that already the land was acquired for construction of road over bridge in the year 2009 – 2012, however, name transfer has not yet been effected and further submitted that the Highways Department are taking steps for mutation in revenue records and further submitted that the remaining land will not be interfered with by the Highways Department and further submitted that the Highways Department is laying road only in the land belonging to the Highways Department.



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4. Recording the submission made by the learned Additional Government Pleader, this writ petition is closed. However, liberty is granted to the petitioners to work out the remedy in the manner known to law, if the respondents issue eviction notice. The Highways Department is directed to file appropriate application before the Tahsildar, in which, the petitioners are granted liberty to establish their case that the land belong to them and not to the Highways Department. If it is established that the land does not belong to the Highways Department, the Highways Department shall not interfere with the petitioners land.

5. The writ petition is closed. No costs. Consequently, the connected miscellaneous petition is also closed.

30.09.2024

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No



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M.DHANDAPANI,J.
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