



WEB COPY

WP No. 14049 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2025

CORAM

THE HONOURABLE MRS JUSTICE N.MALA

WP No. 14049 of 2024

AND

WMP NO. 15232 OF 2024

Salema Bee
W/o.Sjajabudeen,
No.13/1A, Pallivasal Street,
Poottai Village,
Sankarapuram Town And Taluk,
Kallakurichi District.

Petitioner(s)

Vs

1. The District Collector,
Kallakurichi, Kallakurichi District.

2.The Assistant Executive Engineer,
Water Resources Organization,
Office Of Public Work Department,
Kallakurichi, Kallakurichi District.

3.The Tasildhar
Sankarapuram Town and Taluk,
Kallukurichi District.

4.Block Development Officer,
Sankarapuram Town and Taluk,



Kallakurichi District

5.The Village Administrative Officer

Poottai Village, Sankarapuram Town
and Taluk, Kallakurichi District.

6.The President

Poottai Village Panchayat,
Sankarapuram Town And Taluk,
Kallakurichi District.

Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from constructing over bridge, road in the petitioner property to an extent 1 Acre 58 cents in survey No.354/2 in Poottai Village, Sankarapuram Village, Kallakurichi District as per patta No.1394 without following the procedure established by law and consequently direct the 1st respondent to take action by considering the petitioner representation dated 29.04.2024.

For Petitioner(s): M/s.M.Kaviya for
Mr.S.Nedunchezhiyan

For Respondent(s): Mr.N.Naveen Kumar
Government Advocate

**ORDER**

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The present Writ Petition is filed for issuance of a Writ of Mandamus to forbear the respondents from constructing over bridge, road in the petitioner's property to an extent 1 acre 58 cents in survey No.354/2 in Poottai Village, Sankarapuram Village, Kallakurichi District as per patta No.1394 without following the procedure established by law and consequently direct the 1st respondent to take action by considering the petitioner's representation dated 29.04.2024.

2. The case of the petitioner is that the petitioner's husband was in absolute possession of the property in Survey No.354/2 measuring an extent of 1 acre 58 cents. After the demise of the petitioner's husband, the petitioner is taking care of the aforesaid property and doing agriculture. The petitioner states that the respondents 3 to 6 are attempting to encroach the petitioner's property for construction of over bridge, and hence the petitioner submitted an application to the 3rd respondent to survey the land as per Patta No.1394 in Survey No.354/2 and paid the necessary fee on 04.03.2024. The petitioner came



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to know that adjacent to the petitioner's property, there is a river and the Government sanctioned to construct a over bridge to some extent and also sanctioned fund. According to the petitioner, the 6th respondent through his agent had taken the construction work and to reduce the over bridge distance, intentionally encroached the petitioner's property and removed the standing trees and fence and further attempting to construct the bridge in the petitioner's property thereby reducing the distance of the bridge from the actual distance sanctioned by the Government. Aggrieved by the same, the petitioner submitted a representation on 29.04.2024 to the respondents, to survey the land as per patta of the petitioner and further to take action against the erring officials and proceed further. The said representation was not considered by the respondents. Now the respondents 3 to 6, without any acquisition and without survey the land, attempting to construct the over bridge in the petitioner's property. Hence the petitioner filed the present Writ Petition for appropriate directions.

3. The learned counsel for the petitioner would submit that this Court has granted an interim injunction on 23.05.2024, for a period of eight weeks.

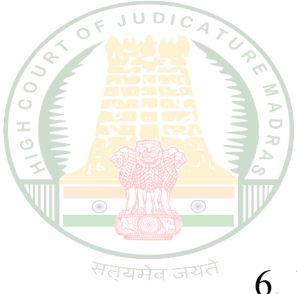


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Further, he submitted that the petitioner's representation dated 29.04.2024 was not considered by the respondents and no action has been taken till date. It is also submitted that it would suffice, if this Court issues a direction to the respondents to consider the petitioner's representation dated 29.04.2024 and pass orders on the same within a particular time frame fixed by this Court.

4. Mr.N.Naveen Kumar, learned Government Advocate appearing for the respondents submitted that the petitioner's representation dated 29.04.2024 would be considered by the respondents and orders passed within the stipulated time that may be fixed by this Court.

5. Considering the submissions made on either side and without going into the merits of the representation, and taking note of the limited relief sought for in this Writ Petition, this Court directs the first respondent to consider the petitioner's representation dated 29.04.2024 and pass orders on merits and in accordance with law, after hearing all concerned, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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6. With the above direction, the Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

08.07.2025

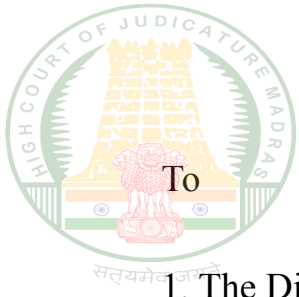
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

jd/dsn



To

1. The District Collector,
Kallakurichi, Kallakurichi District.

2. The Assistant Executive Engineer,
Water Resources Organization,
Office Of Public Work Department,
Kallakurichi, Kallakurichi District.

3. The Tasildhar,
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4. Block Development Officer,
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WEB COPY

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N.MALA, J.
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