

(2011) 07 MAD CK 0271

In the Madras High Court

Case No : Writ Petition (MD) No. 2673 of 2006 and W.P. (MP) (MD) No. 2925 of 2006

Periya Perumal

APPELLANT

Vs

The Member Secretary, Local Planning Authority and The
Commissioner Corporation of Madurai

RESPONDENT

Date of Decision : 25-07-2011

Acts Referred:

Citation : (2011) 07 MAD CK 0271

Hon'ble Judges : Vinod K. Sharma, J

Bench : Single Bench

Advocate : M.O. Thevankumar, for the Appellant; D. Muruganandam, Addl. Govt. pleader for Respondent 1 and Ravishankar, for Respondent 2, for the Respondent

Final Decision : Allowed

Judgement

Vinod K. Sharma, J.—The Petitioner has invoked the writ jurisdiction of this Court with a prayer for issuance of a writ in the nature of prohibition, restraining the Respondent from entering on his land or constructing a road thereon without following due process of law, i.e., acquiring the land after paying the market value of the land.

2. The Writ Petition was admitted on 04.04.2006, and an interim order of injunction was granted, restraining the Respondents from encroaching upon the land, of the Petitioner.

3. In support of the prayer made, the case set up by the Petitioner, is that he is the owner of house plot measuring 3360 sq.ft falling under S. No. 59/3 of Madakulam village. The Respondents without acquiring the land, are taking steps to carve out a road on the private land of the Petitioner.

4. The learned Additional Government Pleader on instruction from Respondent No. 1 state that there is No. proposal to lay any road through the property of the

Petitioner nor there is any intention to acquire the land for the present.

5. The Respondent No. 2, has not filed his counter.

6. The averments made in the petition remain un-rebutted. Consequently, the Writ Petition is allowed and a writ in the nature of prohibition is issued restraining the Respondents from interfering with the land of the Petitioner for any purpose, including the construction of road, except by acquiring the land under the provisions of law, as applicable

7. Consequently, connected Miscellaneous petitions are closed. No. costs.