



W.P. (MD).No.10325 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 16.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.10325 of 2021
and WMP(MD)No.7990 of 2021

S.Perumal

... Petitioner

Vs

1. The District Collector,
Theni District Theni.
2. The Commissioner,
Periyakulam Municipality, Periyakulam,
Theni District.
3. The Tahsildar,
Periyakulam Taluk, Theni District.
4. The Block Development Officer,
Periyakulam Panchayat Union, Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents herein from laying road in the petitioner's family property in Survey Nos.972/1, 972/3,973/1, 973/3, 981/1, 981/3 situated at Thamaraikulam Village, Periyakulam Sub Division, Periyakulam Taluk, Theni District except by acquiring the land by conducting proper acquisition proceedings and to grant adequate compensation as per the



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Right to Fair Compensation and Transparency in Land Acquisition,
Rehabilitation and Resettlement Act 2013.

For Petitioner : Mr. Niranjan S. Kumar

For Respondents : Mr.S.Jayapriya (R1 to R3)
Government Advocate

Mr.B.Saravanan (R4)
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus, forbearing the respondents from laying road in the patta lands, belonging to the petitioner.

2.When the matter was came up for hearing on 18.10.2023, this Court has passed the following order:

“When the matter was taken up for hearing today, the learned Government Advocate appearing on behalf of the respondents on oral instructions submitted that road has already been laid.

2.When this Writ Petition was entertained on 21.06.2021, this Court had granted an order of interim injunction restraining the respondents from laying the road in the property belonging to the petitioner.



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3. In view of the same, the learned Government Advocate shall take a written instructions from the respondents as to whether the road has been laid and whether the property belonging to the petitioner has been excluded and thereafter, laying of road was completed.

4. Post this case under the caption “for orders” on 06.11.2023.

3. When the matter was came up for hearing today, the learned Government Advocate appearing on behalf of the respondents 1 to 3 produced the written instructions received from the Block Development Officer. The relevant portions are extracted hereunder:

“இதனை தொடர்ந்து வாதியின் (Petitioner) குறிப்பிட்ட பட்டா நிலத்தில் சாலை அமைக்க கொட்டப்பட்ட ஜல்லி கற்களை அப்புறப்படுத்தப்பட்டு அருகில் உள்ள ஊராட்சிக்கு சொந்தமான 20 அடி பொது பாதையில் மெட்டல் சாலை அமைக்கப்பட்டு பணி முடிவுற்றது. பணி முடிவுற்றமைக்கான பட்டியல் தொகை பார்வை 3ல் காணும் செயல்முறை வாயிலாக சம்மந்தப்பட்ட திரு.அபிமன்னன் என்பவருக்கு அனுமதிக்கப்பட்டுள்ளது.

வாதிக்கு சொந்தமான பட்டா நிலத்தில் சாலை அமைக்கப்படவில்லை என்பதோடு இதன் விபரம் மனுதாரரிடமும் நேரில் உறுதிப்படுத்தப்பட்டுள்ளது என்பதை கனிவுடன் தெரிவித்துக்கொள்கிறேன்□



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4.Recording the above, this writ petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

16.11.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
PNM

To

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PNM

**ORDER IN
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