



W.P. (MD).No.16713 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.11.2023

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.16713 of 2021
and WMP(MD)No.13612 of 2021

P.Kannan

... Petitioner

Vs

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Assistant Director of Panchayat,
O/o.The Assistant Director of Panchayat,
Collector Office Campus, Sivagangai.
3. The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Sivagangai.
4. The Tahsildar,
Kalayarkoil Thasildar Office,
Kalayarkoil, Sivagangai District.
5. The Block Development Officer,
Kalayarkoil Block, Kalayarkoil Union,
Sivagangai District.
6. The Panchayat President,
Melamarungur Village Panchayath,
Valanai Group, Kalayarkoil Union,
Sivagangai District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from laying any sort of road across the petitioners Patta Lands in Valanai Village, Nemam Group, Survey No.165/4, 115/3, 165/13, 165/15, 165/17, 166/11, 166/3, 166/6, 166/8, 167/13, 167/15, 99/11, 99/4, 99/9, 166/2, 170/1 and 125/3A.

For Petitioner : Mr. N.S.Karthikeyan

For Respondents : Mr.A.K.Manikkam(R1 to R4)
Special Government Pleader

Mr.R.Ragavendran (R5, R6)
Government Advocate

ORDER

This writ petition has been filed for the issue of a writ of mandamus forbearing from laying any road in the patta lands belonging to the petitioner in the subject property.

2.The grievance of the petitioner is that an attempt has been made by the respondents to lay a road in his patta lands and hence the present writ petition was filed before this Court.



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3. When the matter was taken up for hearing today, the learned Special Government Pleader, based on the written instructions received from the Village Administrative Officer, Silukkapatti Taluk, submitted that the road has already been laid in Survey Nos.115/3, 166/11, 166/8, on the ground that there is already an existing mud road for more than 30 years. The extent to which the roads have been laid, are extracted hereunder.

115/3	0.40.5 - 1 ஏக்கர் இடத்தில் சுமார் 1.5மீ அகலம் கிழக்கு மேற்காக 60 மீ நீளத்திலும்
166/11	0.12.0 - 30 சென்ட் இடத்தில் சுமார் 1மீ அகலத்தில் மேற்குப்புறம் 24 மீ நீளத்திலும்
166/8	0.05.5 - 13 சென்ட் இடத்தில் 1மீ அகலம் 27 மீ நீளத்திலும் செல்கிறது.

4. In view of the above, it is a clear that the dispute is now confined only to three survey numbers. The claim made by the petitioner is that the above survey numbers are exclusive lands belonging to the petitioner. On the other hand, the respondents have taken a stand that there was an existing mud road for more than 30 years. This issue cannot be gone into this writ petition. In any case, the relief sought for by the



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writ petitioner becomes infructuous, since the road has been laid.

Therefore, it is left open to the petitioner to work out his remedy in accordance with law, if, according to the petitioner, there was no road available and the property has been illegally encroached by the respondents. Except granting this liberty, no further order is required to be passed in the writ petition.

5. Accordingly this writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

09.11.2023

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

To

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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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