

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.No.941 of 2003

Pandit M.Muthukani

... Petitioner

Vs.

1. The District Collector, Madurai.
2. The Revenue Divisional Officer,
Usilampatti, Madurai.
3. The Commissioner, Chellampatty Panchayat,
Madurai.
4. The Project Officer,
District Rural Development Authority,
Madurai.
5. P.Dharmar ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of mandamus forbearing the respondents from laying the new road through S.No.230 and 240 in Nadumudalaikulam village and direct the respondents herein to forthwith restore the lands of the petitioner in S.No.230 and 240 of Nadumudalaikulam village as cultivable agricultural lands by removing the sand laid therein for the purpose of the road.

For Petitioner : Ms.AL.Gandhimathi

For Respondents : Mr.A.Kumar, Spl.Govt.Pleader

1 to 4

For Respondent No.5 : No Appearance

O R D E R

The grievance of the petitioner is that the respondents are attempting to lay the road through his private land situated in S.No.230 and 240 in Nadumudalaikulam village.

2. Learned Special Government Pleader appearing for the official respondents submitted that the laying of the road has started long time back and the same is required for the public purpose.

3. This Court is not concerned with the purpose for which the road is going to be laid. When it is the case of the petitioner that attempt is being made to lay the road in the property belonging to him, the official respondents ought not to have undertaken the said work without verifying the actual position. Even the instructions given by the official respondents to the learned Special Government Pleader do not say that the above said land belongs to the Government. Be that as it may, for more than 12 years, no counter affidavit has been filed by the respondents. The petitioner is also said to have made a representation to the official respondents on 27.12.2002 in this regard.

4. Therefore, if the representation dated 27.12.2002 made by the petitioner is not disposed of till date, respondent No.2 or 3, as the case may be, shall pass appropriate orders on the same after affording an opportunity of hearing to the petitioner within a period of eight weeks from the date of receipt of a copy of this order. The petitioner is also directed to send another copy of the representation said to have been made by him on 27.12.2002 within a period of two weeks from the date of receipt of copy of this order, by enclosing a copy of this order. Till appropriate orders are passed on the representation of the petitioner, status quo as on today shall be maintained. It is made clear that this court has not given any finding about the nature of the land.

The writ petition is disposed of accordingly. No costs.

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Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The District Collector, Madurai.
 2. The Revenue Divisional Officer, Usilampatti, Madurai.
 3. The Commissioner, Chellampatti Panchayat, Madurai.
 4. The Project Officer,
District Rural Development Authority, Madurai.
- + 1 cc to Ms.AL.Gandhimathi, Advocate Sr 64197.
- + 1 cc to The Govt.Pleader, Sr 64229.

NM/CO
KR/10/12