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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition (MD) No.8630 of 2015

MP(MD)NO.1 & 2 of 2015

Rengasamy

... Petitioner

Vs.

1.The District Collector,  
Office of the District Collector,  
Trichy District.

2.The Commissioner (Panchayat Administration),  
Vaiyampatty Panchayat,  
Vaiyampatty,  
Manaparai Taluk,  
Trichy District.

3.The Inspector of Police,  
Puthanatham Police Station,  
Manaparai Taluk,  
Trichy District.

4.The President,  
Ealamalam Village Panchayat,  
Manaparai Taluk,  
Trichy District.

5.Sadaiyammal  
The President,  
Ealamalam Village Panchayat,  
Manaparai Taluk,  
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, forbearing the respondents from laying Thar road in the petitioners patta land in Survey Nos.122/2 and 124/1D at Ealamalam Village, Manaparai Taluk, Trichy District without taking any acquisition proceedings and without following due process of law.

For Petitioner

: Mr.J.Anandkumar

For Respondents 1&2

: Mr.T.R.Janarthanam,  
Special Government Pleader.

For 3<sup>rd</sup> Respondent

: Mr.C.Mayilvahana Rajendran

For 4<sup>th</sup> Respondent

: Mr.M.Rajarajan,  
Government Advocate.

<https://hcservices.ecourts.gov.in/hcservices/>

: Mr.P.Ganapathisubramanian

ORDER

The prayer in the writ petition is to forbear the respondents from laying Thar road in the petitioner's patta land in Survey Nos.122/2 and 124/1D at Ealamalam Village, Manaparai Taluk, Trichy District without taking any acquisition proceedings and without following due process of law.

2. According to the petitioner, the property in Survey Nos.122/2 and 124/1D are absolutely belonged to him. It is stated that in the eastern and southern side of the said property, the fourth respondent is having land. It is further stated that after the fourth respondent became the President of the village panchayat in the year 2012, she wanted to lay road for free access to her land in Survey Nos.126 and 131. According to the petitioner, the said attempt was challenged by filing O.S.No.104 of 2012 on the file of District Munsif Court, Manaparai which is pending consideration. Despite the same, the fourth respondent was attempting to lay road in the petitioner's land. Therefore, the petitioner has made a detailed representation dated 23.05.2015 to the respondents. Since no order has been passed, the present writ petition has been filed for the relief stated supra.

3. Considering the above stated facts and circumstances and without expressing any view on the merits and contentions raised by the petitioner, this writ petition is disposed of with a direction to the respondents to consider the representation of the petitioner dated 23.05.2015 and pass appropriate orders on merits and in accordance with law, after affording due opportunity to the petitioner as well as other parties within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, M.P(MD)Nos.1 & 2 of 2015 are closed.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

sms

To

1. The District Collector,  
Office of the District Collector,  
Trichy District.

2. The Commissioner (Panchayat Administration),  
Vaiyampatty Panchayat,  
Vaiyampatty,  
Manaparai Taluk,  
Trichy District.



3.The Inspector of Police,  
Puthanatham Police Station,  
Manaparai Taluk,  
Trichy District.

4.The President,  
Ealamalam Village Panchayat,  
Manaparai Taluk,  
Trichy District.

+1cc to Mr.P.Ganapathi Subramanian,Advocate Sr NO.41918

+1cc to Mr.J.Anandkumar, Advocate Sr No.41892

Writ Petition (MD) No.8630 of 2015  
28.07.2015

rg.04.08.2015      3p/7c.