



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED :16.04.2015
CORAM

THE HONOURABLE MR. JUSTICE .R. MAHADEVAN

WEB COPY

W.P(MD) .No.14824 of 2013
and
M.P. (MD) .No.1 of 2013

Syed Uduman ... Petitioner

Vs

1.The Block Development Officer,
Sethupava Samuthiram,
Pookollai, Pervoorani Taluk,
Thanjavur District.

2.The Tahsildar
Pervoorani Taluk,
Thanjavur District.

3.The President,
Nelliyadikadu Village,
Manakkadu Panchayat,
Peravoorani Taluk,
Thanjavur District.

... Respondents

This Writ Petition has been filed praying for a Writ of Mandamus forbearing the respondents from laying the road with in the petitioners land in Survey No.145/1 to the extent of 1 acre a Nelliyadikadu Village Manakkadu Village Panchayat Peravoorani Taluk Thanjavur District.

For petitioner	: Mr.L.Madhusudhanan
For R.1	: Mr.B.Pugalendhi
For R.2	: Mr.S.Chandrasekar
	Government Advocate
For R.3	: Mr.V.Ramamoorthy

ORDER

This Writ Petition has been filed praying for a writ of Mandamus forbearing the respondents from laying the road within the petitioner's land in Survey No.145/1 to the extent of one acre at Nelliyadikadu Village, Manakkadu Village Panchayat, Peravoorani Taluk, Thanjavur District.

2. The learned counsel appearing for the petitioner would submit that the petitioner will not have any grievance if the respondents lay road in the Government lands. On the other hand, the respondents sought to lay road in the above mentioned property belonging to the petitioner which is why he has come forward with the Writ Petition for the relief stated supra.



3. The learned Government Advocate appearing for the respondents on the basis of the counter affidavit would submit that the pathway in question is being used from time immemorial and there is nothing available in the sale deed about the private pathway as claimed. Therefore, the contention of the petitioner is unfounded.

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4. The petitioner has filed a rejoinder to the counter affidavit stating that the averment made in the counter about a temple is nothing but to strengthen the encroachment made by the encroachers.

5. In view of the above factual position, the second respondent is directed to look into the issue of sub-division, if any, along with the other issues relating to S.No.145/1, in Manakkadu Village Panchayat and consider the representation of the petitioner, dated 13.08.2013, taking note of the proceedings of the Revenue Divisional Officer, Pattukottai, dated 15.03.2013 and pass appropriate orders, on merits and in accordance with law, after giving notice to the interested parties, if any, within a period of six weeks. The petitioner is directed to enclose this order along with the representation to enable the respondents to pass appropriate orders.

With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Writs)

\\True copy\\

Sub Assistant Registrar

To

1.The Block Development Officer, Sethupava Samuthiram,
Pookollai, Pervoorani Taluk, Thanjavur District.

2.The Tahsildar Pervoorani Taluk, Thanjavur District.

3.The President, Nellyadikadu Village, Manakkadu Panchayat,
Peravoorani Taluk, Thanjavur District.

+1cc TO MR.R.MADHUSUDHANAN,ADVOCATE SR.NO. 19362

+1cc TO MR.B.PUGALENDHI, ADVOCATE SR.NO.1902

+1cc TO MR.V.RAMAMOORTHY,ADVOCATE SR.NO. 19798

+1cc TO SPECIAL GOVERNMENT PLEADER SR.NO. 19766

W.P(MD).No.14824 of 2013

SSM

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