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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.07.2017
CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.646 of 2017

Chittammal

... Petitioner

vs.

1. The District Collector,
Collectorate Building,
Madurai - 625020.
2. The Planning Officer,
Office of the Rural Development,
Chellampatti Union,
Usilampatti Taluk,
Madurai.
3. The Block Development Officer,
Chellampatti Union Office,
Chellampatti, Usilampatti Taluk,
Madurai District.
4. The Block Development Officer
Cum Proceedings Officer,
Chellampatti Union Office,
Chellampatti, Usilampatti Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the first respondent to remove the encroachments made by the respondent Nos.2 to 4 in Survey No.261/1B, 0.11.0 Cents situated at Karmathoor Village and Post, Usilampatti Taluk, Madurai District on the basis of the petitioner's representation dated 21.12.2016.

For Petitioner

: Mr.U.Malaiyendran
for Mr.N.Anandakuar

For Respondents

: Mr.M.Govindan,
Spl.G.P. For R1 & R2
Mr.A.K.Baskarapandian for R3 & R4

**O R D E R**

(Order of the Court was made by K.K.SASIDHARAN, J)

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The petitioner filed this writ petition with a grievance that there is an attempt to lay a road through her patta land.

2. According to the petitioner, the land in Survey No.261/1B having an extent of 0.11.0 Cents situated at Karumathoor Village, Usilampatti Taluk, Madurai District absolutely belongs to her. However, the respondents 3 to 4 in a high handed manner proceeded to lay a road. Therefore, the petitioner filed this writ petition.

3. The counter affidavit filed by the Commissioner, Panchayat Union clearly indicates that there is a lay out in respect of the land in survey No.261/1. According to the Commissioner, there was no such illegal act of laying road. The road was laid by the local body, taking into account the proceedings dated 30 September 1988.

4. The contention raised by the petitioner is now disputed by the third and fourth respondent. According to the respondents, the road in question was a part of approved lay out. In view of the contention, we find no reason to issue a direction as prayed for in the writ petition. It is always open to the petitioner to file a civil suit, in case, she is aggrieved.

5. The writ petition dismissed with the above observation. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

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4. The Block Development Officer
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Chellampatti, Usilampatti Taluk,
Madurai District.

+1cc to Spl.Government Pleader Sr.No.66577

ARUL/SKM

VB/GT/SAR3/28.07.2017/3P/6C

W.P (MD) No. 646 of 2017

18.07.2017