



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE C.T.SELVAM

AND

THE HONOURABLE MR.JUSTICE A.M.BASHEER AHAMED

W.P.[MD].No.1639 of 2018

M.Annarasu

: Petitioner

Vs.

1.The District Collector,  
Trichy.

2.The Revenue Divisional Officer,  
Musiri, Trichy District.

3.The Block Development Officer,  
Thottiyam Taluk, Trichy District.

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take appropriate proceedings to lay down proper widened road for the Sukkampatti Village, Ward No.5, Arasalur Panchayat, Thottiyam Taluk, Trichy District within a stipulated time.

|                     |   |                                                                                                                |
|---------------------|---|----------------------------------------------------------------------------------------------------------------|
| For petitioner      | : | Mr.N.Karthik Kanna                                                                                             |
| For respondents 1&2 | : | Mr.K.Chellapandian<br>Additional Advocate General<br>Assisted by Mr.R.Sethuraman<br>Special Government Pleader |
| For Respondent No.3 | : | Mr.Aayiram K.Selvakumar<br>Additional Government Pleader                                                       |

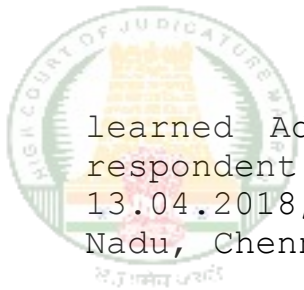
O R D E R

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[Order of the Court was made by C.T.SELVAM, J.]

The petitioner has come forward with this Writ Petition seeking a Writ of Mandamus directing the respondents to initiate appropriate proceedings to lay down proper widened road for the Sukkampatti Village, Ward No.5, Arasalur Panchayat, Thottiyam Taluk, Trichy District, within a stipulated time.

2. Heard Mr.N.Karthik Kanna, learned counsel appearing for the petitioner, Mr.K.Chellapandian, learned Additional Advocate General, Assisted by Mr.R.Sethuraman, learned Special Government Pleader, for the respondents 1 and 2 and Mr.Aayiram K.Selvakumar,



learned Additional Government Pleader, appearing for the third respondent and we have also perused the status report dated 13.04.2018, filed by the Chief Secretary, Government of Tamil Nadu, Chennai.

3. The petitioner had earlier moved this Court by way of Writ Petition (MD).No.740 of 2017 seeking a Writ of Mandamus, directing the respondents to provide pathway, drinking water and street lights to Sukkampatti Village, Ward No.5, Arasalu Panchayat, Thottiyam Taluk, Trichy District. A Division Bench of this Court, by order dated 15.09.2009, had disposed of the said Writ Petition and the relevant portion of the order reads as follows:-

"...2. On notice, the 2nd respondent, the District Collector, Tiruchirappalli District, has filed a counter affidavit, wherein it is stated that now street lights are provided in the petitioner village, which is a small village where approximately 50 families are living. It is further stated that a deep bore-well hand pump has been provided therein for supply of drinking water. As regards laying of road, the foot pathway now used by the villagers has to be widened by atleast 20 feet width, for which lands should be acquired from patta lands. It is stated by the District Collector that the Revenue Divisional Officer is taking steps to acquire private lands for laying the road. Recording, the same, the Writ Petition is disposed of. No order as to costs. The 2nd respondent will take prompt steps to provide pathway to Sukkampatti Villagers."

4. There has been some delay on the part of the third respondent, the Block Development Officer, Thottiyam Taluk, Trichy District, the third respondent herein, in sending the land plan schedule and this Court has taken note of such position and has also informed its views, particularly, the adverse consequences in its order dated 19.03.2018. Be that as it may, as required by this Court under order dated 19.03.2018, a status report has been filed by the Chief Secretary to Government, Government of Tamil Nadu, informing that the total extent of 0.44.19 hectare [1.09 acres] is involved in acquisition for widening of the existing pathway to be carried out by the Rural Development Department. The relevant portion of the status report reads as follows:-

"....7. It is submitted that according to the report of the District Revenue Officer, Tiruchirappalli that the private lands measuring to an extent of 0.34.87 hectare (0.86 acre) are under acquisition which covers 29 land owners, out of which, 5 land owners have gifted their part of the lands measuring to an extent of



0.04.83.6 hactare (0.12 acre). The remaining extent of 0.30.03.4 hectare (0.74 acre ) covers 29 land owners, out of which the majority of land owners are not willing to part with their lands on Private Negotiation. Hence, the District Administration have initiated land acquisition proceedings under the provisions of the Right of Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR ACT, 2013). It is submitted that the District Collector, Tiruchirappalli has sent the proposal to the Additional Chief Secretary/Commissioner of Land Administration for obtaining the Administrative Sanction and allotment of funds from the Government on 13.04.2018.

8. It is submitted that action shall be taken by the District Authorities for purchasing the lands belonging to the temple, as per the HR & CE Rules/Acts in force and action shall be taken for transferring the Government lands (Manthai) on receipt of appropriate orders from the Government.

9. I humbly submit that land acquisition proceedings after receipt of administrative sanction order from the Government is looked after by the District Administration headed by the District Collector and the Land Acquisition Officer in the rank of Deputy Collector. The District Administration has been instructed to expedite the land acquisition proceedings and the Commissioner of Land Administration has been asked to monitor.

10. It is submitted that there is delay in complying with the order dated 15.09.2009 passed in W.P.(MD).No.740 of 2007 and the District Authorities have stated that the said delay is neither wilful nor wanton but due to the administrative reasons."

5. The status report dated 13.04.2018, informs that necessary action is being taken to redress the grievances of the petitioner. Recording the above, the present Writ Petition is closed. We hope and trust that the respondents will act with all due and necessary expedition. No costs.

Sd/  
Assistant Registrar (T&P)

/True copy/



To

1.The District Collector,  
Trichy.

2.The Revenue Divisional Officer,  
Musiri, Trichy District.

3.The Block Development Officer,  
Thottiyam Taluk, Trichy District.

+1cc to Mr.P.PARTHIBAN, Advocate, SR.No. 61438

+1cc to M/s.Special Government Pleader, SR.No.61618,61929

W.P. [MD] .No.1639 of 2018  
16.04.2018

NB

KK/SV MMS/15.05.2018/SAR-2/4P-6C