



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.14670 of 2018

Murugesan

... Petitioner

vs.

1. The District Collector
Ramanathapuram District
Ramanathapuram

2. The Revenue Divisional Officer
Paramakudi Taluk
Ramanathapuram District

3. The Tahsildar
Paramakudi Taluk
Ramanathapuram District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to take necessary action for providing the pathway to the petitioners house in Survey No.355/10, situated at Maruchukatti Village, Melaparthibanur Group, Paramakudi Taluk, Ramanathapuram District, in the light of the communication of the third respondent, dated 22.11.2017, within a stipulated time.

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader

O R D E R

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioner that though lands were assigned to him in the year 2012, he is unable to put up any construction in accordance with the assignment conditions in view of the fact that there is no pathway to the assigned lands.



4. It is seen that the statement of the petitioner is also ratified by the third respondent vide proceedings, dated 02.06.2017, wherein it is observed that there is no pathway to the assigned lands comprised in Survey Nos.355/10, 20, 21, 22 and 9 of Maruchukatti Village. Therefore, in the absence of any pathway, I am unable to comprehend as to how the petitioner can put up any construction therein. Unless and until a pathway is provided to the assigned lands, the respondents may not be justified in demanding the petitioner to put up construction in the assigned lands.

5. In the light of the above observations, the petitioner is granted liberty to make a representation to the second respondent herein seeking for providing a pathway to his assigned lands and on receipt of such representation, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of such representation. Till such time, the respondents herein shall refrain from taking any action for either cancellation of the assignment or dispossessing the petitioner from the assigned lands.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Revenue Divisional Officer,
Paramakudi Taluk, Ramanathapuram District.
3. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

+ 1 cc TO Mr.B.Prahalad Ravi , Advocate in SR No. 71809
+ 1 cc TO The Special Government Pleader in SR No. 71972

krk
AE/SKN RSK/SAR2/16.07.2018/2P/6C