



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.12.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

W.P.(MD).No.14293 of 2015

and M.P.(MD).No.1 of 2015

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B.C.Karthik Subraj

.. Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Periyakulam Taluk,
Theni District.

3.The Block Development Officer,
Collectorate Office,
Theni District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, forbearing the respondents from put up Thar Road in petitioner's ancestral house and land in Survey No.615/4A in Patta No.2424 at Sangakonnampatti Salai, Theni Taluk and District.

For Petitioner : Mr.K.Gokul

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

This writ petition is filed for issuing writ of mandamus forbearing the respondents from putting up Thar road encroaching the petitioner's ancestral house and land in Survey No.615/4A in Patta No.2424 at Sangakonnampatti Salai, Theni Taluk and District.

2.The petitioner states that the property in S.No.615/4A in Patta No.2424 at Sangakonnampatti Salai, Theni Taluk and District, in his ancestral property. It is also stated that pucca house has been constructed by the petitioner in an extent of 1½ cents. It is further stated that the remaining land is used by the petitioner for agricultural related works.

3.It is the case of the petitioner that ignoring the petitioner's title, the respondents are taking hectic steps to put



up a Thar Road in the vacant land belonged to the petitioner adjacent to the petitioner's house. Stating that the respondents, have ignored the fact that the proposed road to be formed by the respondents falls within the patta land of the petitioner, the petitioner has come forward with the above writ petition.

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4.In the counter affidavit filed by the third respondent, it is categorically stated that the entire survey field in S.No.615/4A Kodivilanpatti village was surveyed as per revenue records and the boundary stones were also laid in the presence of the petitioner. It is further stated that the petitioner himself got convinced with the survey work and he was assured that no work would be carried out in the writ petitioner's land. It is further stated that the road work was not taken up in the petitioner's land and that the existing BT road alone was removed to execute the road work. In view of the specific stand taken by the respondent in the counter affidavit, this Court is of the view that the petitioner's grievance has been addressed by the respondents and no further order is necessary in this writ petition.

5.Accordingly, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS II)

// True Copy //

Sub Assistant Registrar(CS)

TM

To

1.The District Collector,
Theni District,
Theni.

2.The Revenue Divisional Officer,
Periyakulam Taluk,
Theni District.

3.The Block Development Officer,
Collectorate Office,
Theni District.

+1 CC to M/s.K.GOKUL, Advocate (SR-103722[F] dated 05/12/2019)

+1 CC to M/s.SPL.GP (SR-103965[F] dated 09/12/2019)

W.P. (MD) .No.14293 of 2015
05.12.2019

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