



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **12.12.2019**
CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.23848 of 2019
and
W.M.P(MD)No.20467 of 2019

M.Sakunthala

... Petitioner

Vs.

1.The Regional Director of Municipal Administration,
Kochadai, Melakal,
Madurai,
Madurai District.

2.The Thasildar,
(Land Acquisition),
Adidravidar Welfare Department,
Theni,
Theni District.

3.The Commissioner,
Cumbum Municipality,
Cumbum,
Theni District.

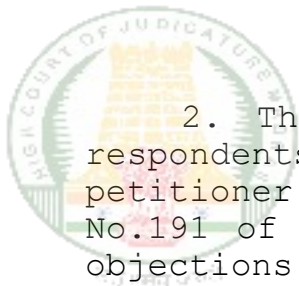
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents from laying road through the patta land of the petitioner comprised in Survey Nos.739/1B2A, 2B,740/2A in plot No.191 of Uthamapalayam Taluk, Theni District by considering the objections of the petitioner dated 06.11.2019 within a time frame that may be stipulated by this Court.

For Petitioner	: Mr.S.C.Herold Singh
For R-1 & R-2	: Mr.M.Rajarajan, Government Advocate
For R-3	: Mr.K.Hema Karthikeyan

ORDER

Heard Mr.S.C.Herold Singh, learned counsel for the petitioner, Mr.M.Rajarajan, learned Government Advocate for the respondents 1 and 2 and Mr.K.Hema Karthikeyan, learned counsel for the third respondent.



2. The petitioner has sought for a Mandamus forbearing the respondents from laying a road through the patta land of the petitioner comprised in Survey Nos.739/1B2A, 2B,740/2A in Plot No.191 of Uthamapalayam Taluk, Theni District, by considering the objections of the petitioner dated 06.11.2019.

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3. The case of the petitioner is that she has been living in the above said survey Nos.739/1B2A, 2B, 740/2A of Uthamapalayam Taluk, pursuant to the allotment given by the Special Tahsildar(Land Acquisition), Adi Dravidar Welfare, Periyakulam. Patta for the said land also stands in the name of the petitioner. While so, the respondents have proposed to lay a road to connect Cumbum to Angorpalayam Road. The property of the petitioner situates on the eastern side of the said road. In the process of laying the road, the respondents have encroached some portion into the patta land of the petitioner also. Therefore, the present writ petition has been filed to forbear the respondents from laying road through the patta land of the petitioner situated in the above said survey numbers.

4. Upon instructions, the learned counsel appearing for the third respondent has produced a letter in Na.Ka.No.2972/2019/F1, dated 10.12.2019 issued by the Municipal Administration and Water Supply Department through the Commissioner, Cumbum Municipality. As per the said letter, the Adi Dravidar Welfare Department has stated that the above said survey numbers are patta lands intended for house sites. It is further mentioned that all particulars with respect to the land in question shall be furnished to the third respondent at the earliest. Till such time, road laying work is stopped.

5. As the third respondent itself has stopped the road laying work, no order can be passed in the writ petition. However, it is made clear that once it is verified that the lands are only patta lands issued to the petitioner by the Adi Dravidar Welfare Department, without ascertaining and measuring the properties through a Surveyor, the third respondent cannot proceed with the road laying work.

With the above direction, this Writ Petition is disposed of. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



1.The Regional Director of Municipal Administration,
Kochadai, Melakal,
Madurai,
Madurai District.

2.The Thasildar,
(Land Acquisition),
Adidravidar Welfare Department,
Theni,
Theni District.

+1 CC to Mr.S.C.HEROLD SINGH, Advocate (SR-104835[F] dated
13/12/2019)

+1 CC to SPL.GP (SR-104998[F] dated 13/12/2019)

+1 CC to Mr.K.HEMAKARTHIKEYAN, Advocate (SR-105155[F] dated
16/12/2019)

W.P (MD) No.23848 of 2019

12.12.2019

MK (27.01.2020) 3P 6C