



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2020

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P (MD)No.4994 of 2020

and

W.M.P (MD) .No.4359 of 2020

WEB COPY

M.Kumar

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Alangudi Taluk, Alangudi,
Pudukkottai District.

3.The Block Development Officer,
Block Development Office,
Thiruvarnkulam Union,
Thiruvarankulam,
Alangudi Taluk, Pudukkottai District.

4.The Village Administrative Officer,
Kuppagudi Village Administrative Office,
Kuppagudi, Alangudi Taluk,
Pudukkottai District.

5.The President,
Kuppagudi Village Panchayat,
Kuppagudi, Alangudi Taluk,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents their men, officers, subordinates or their agents from any manner proceedings against the petitioner in respect of laying the road in his land in Survey No.33/1B, 2B(Part), 3B(Part), 7B(Part) and 78/5 situate at Kuppagudi Village, Alangudi Taluk, Pudukkottai District and consider his representation dated 14.02.2020.

For Petitioner : Mr.K.Guhan

or Respondents : Mr.S.Dayalan
Government Advocate (for R1,
R2 and R4)
Mr.J.Gunaseelan Muthiah



(for R3 and R5)

ORDER

The writ petition is filed in the nature of mandamus to forbear the respondents from laying a road in the land belonging to the petitioner in Survey Nos. 33/1B, 2B(Part), 3B(Part), 7B(Part) and 78/5 situate at Kuppagudi Village, Alangudi Taluk, Pudukkottai District and also to consider his representation in this regard dated 14.02.2020.

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

3.The learned Government Advocate, who takes notice on behalf of the respondents 1, 2 and 4, states that the Survey Numbers mentioned in the petition admittedly belonged to the petitioner. The patta stands in the name of the petitioner. However, it is stated that a road is necessary to be laid so that there can be access to the burial ground. It is further stated that the laying of the road is for public purpose.

4.The learned counsel for the petitioner however stated that no written communication had been given to the petitioner. The respondents are taking steps to lay the road without hearing the petitioner's objection. Therefore, the petitioner had given a representation dated 14.02.2020.

5.In view of these facts, a direction is issued to the respondents particularly to the fifth respondent namely the President, Kuppagudi Village Panchayat, Alangudi Taluk, Pudukkottai District, to proceed in accordance with law. This necessarily means that the representation of the petitioner should be heard and answered and a speaking order should also be passed on the representation. If a road is necessary, then the respondents should, take steps in the manner known to law by giving the petitioner sufficient opportunity.

6.With the above observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Tahsildar,
Alangudi Taluk, Alangudi,
Pudukkottai District.
- 3.The Village Administrative Officer,
Kuppagudi Village Administrative Office,
Kuppagudi, Alangudi Taluk,
Pudukkottai District.
- 4.The Block Development Officer,
Block Development Office,
Thiruvarnkulam Union,
Thiruvarankulam,
Alangudi Taluk, Pudukkottai District.
- 5.The President,
Kuppagudi Village Panchayat,
Kuppagudi, Alangudi Taluk,
Pudukkottai District.

+1 CC to M/s.SPL.GP (SR-11060[F] dated 11/03/2020)

+1 CC to M/s.K.GUHAN, Advocate (SR-10838[F] dated 10/03/2020)

W.P (MD) No. 4994 of 2020
10.03.2020

rmk

AP(23/03/2020) 3P 8C