



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2020

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.9856 of 2020

M.V.Chellaiah

... Petitioner

Vs.

1. The District Collector/Inspector of Panchayat,
Pudukkottai District, Pudukkottai.
2. The Assistant Director(Panchayats),
Pudukkottai District, Pudukkottai.
3. The Project Director(DRDA),
Pudukkottai District, Pudukkottai.
4. The Block Development Officer,
Manamelkudi Panchayat Union, Pudukkottai District.
5. The President/Executive Officer,
Nerkuppai Village Panchayat,
Manamelkudi, Pudukkottai District.

6. Radhakrishnan

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the fourth respondent to direct the sixth respondent do not lay road in the petitioner's punja lands in survey No.136/2 and its extent of 0.79.5 hec., in K.Pazhangulam Village, Manamelkudi Taluk, Pudukkottai District, without due process of law based on his representation dated 23.07.2020.

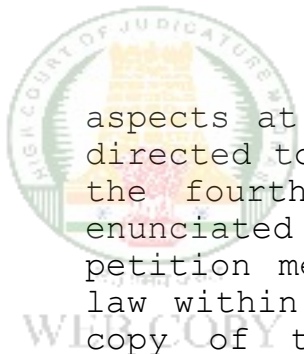
For Petitioner	:	Mr.S.Muthalraj
For R-1 to R-3	:	Mr.P.Mahendran, Additional Government Pleader.
For R-4	:	Mr.M.Rajarajan, Additional Government Pleader.

O R D E R

Heard the learned counsel on either side.

2. The petitioner alleges that a road is being laid across his patta land. He has given a representation dated 23.07.2020 in this regard. It appears that the sixth respondent is acting under the color of authority given by the fourth respondent. If the petition mentioned land really belongs to the petitioner, then the public authorities ought not to lay any road on the same. Unless the petitioner's lands are acquired, they cannot be trespassed.

3. However, I am not in a position to go into these factual



aspects at this point of time. Therefore, the fourth respondent is directed to consider the petition mentioned representation. However, the fourth respondent will take note of the legal position as enunciated above. The fourth respondent shall dispose of the petition mentioned representation on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. After such disposal, the result will be announced without any delay. The petitioner may approach the Court, if needed.

4. With these directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The District Collector/Inspector of Panchayat,
Pudukkottai District, Pudukkottai.
2. The Assistant Director(Panchayats),
Pudukkottai District, Pudukkottai.
3. The Project Director(DRDA),
Pudukkottai District, Pudukkottai.
4. The Block Development Officer,
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5. The President/Executive Officer,
Nerkuppai Village Panchayat,
Manamelkudi, Pudukkottai District.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-14800[F] dated 24/08/2020)

+1 CC to M/s.GP (SR-14917[F] dated 25/08/2020)

W.P.(MD)No.9856 of 2020
24.08.2020

SPU(26.08.2020) 2P 8C

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