



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P. (MD)No.15349 of 2020 & W.M.P. (MD) No.12898 of 2020

(Through Video Conference)

M.Karthikeyan

... Petitioner

Vs

1) The District Collector,
Tuticorin District, Tuticorin.

2) The Revenue Divisional Officer,
Kovilpatti, Tuticorin.

3) The Block Development Officer,
Kayatharu, Tuticorin.

4) The Thasildhar, Kayathar Taluk,
Tuticorin District.

5) The Executive Officer,
Kuppanapuram Panchayat,
Kadambur, Kayathar Taluk,
Tuticorin.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st and 2nd respondents to restrain the 3rd and 5th respondents from laying metal road for public use through petitioner's patta land in Survey Nos.303/2 and 385 situated at Ottudanpatti, Kuppanapuram post, Kadambur, Kayathar Taluk, Tuticorin by considering the petitioner's representation dated 10.10.2020 and to pass orders on merits and in accordance with law within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Jerin Mathew

For RR 1,2 & 4 : Mr.C.Ramar,
Additional Government Pleader

For R-3 : Mr.K.P.Narayanakumar,
Special Government Pleader



O R D E R

Mr.C.Ramar, learned Additional Government Pleader accepts notice for respondents 1, 2 and 4 and Mr.K.P.Narayanakumar, learned Special Government Pleader accepts notice for the third respondent. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This writ petition has been filed for a Mandamus seeking for a direction to the first and second respondents to restrain the respondents 3 & 5 from laying metal road for public use through the petitioner's patta land in Survey Nos.303/2 and 385 situated at Ottudanpatti, Kuppanapuram post, Kadambur, Kayathar Taluk, Tuticorin by considering the petitioner's representation dated 10.10.2020.

3. It is the case of the petitioner that he is the absolute owner of the aforementioned lands and the patta also stands in his name for the said lands. However, it is his case that the respondent Nos.3 & 5 are attempting to lay metal road over the petitioner's property for public use. In such circumstances, this writ petition has been filed.

4. Mr.K.P.Narayanakumar, learned Special Government Pleader appearing for the third respondent would submit that the third respondent is laying the road only in S.No.393/10 and not in S.Nos.303/2 & 385. He has got written instructions from the third respondent on 03.11.2020 which makes it clear that the metal road is laid only in S.No.393/10 and not in S.Nos.303/2 and 385. S.Nos.303/2 & 385 situated at Kayathar Taluk, Tuticorin which is owned by the petitioner.

5. Since the third respondent has made it clear that they have no intention of laying any road over the petitioner's property, as seen from the written instructions given by the fourth respondent to the learned Additional Government Pleader, the apprehension of the petitioner is uncalled for.

6. After recording the submissions made by the learned Special Government Pleader appearing for the third respondent as well as the Additional Government Pleader appearing for respondent Nos.1,2 & 4, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.12898 of 2020 is closed.

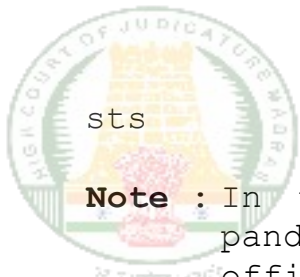
Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



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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,
Tuticorin District, Tuticorin.
- 2) The Revenue Divisional Officer,
Kovilpatti, Tuticorin.
- 3) The Block Development Officer,
Kayatharu, Tuticorin.
- 4) The Thasildhar,
Kayathar Taluk,
Tuticorin District.

+1 CC to M/s.GP (SR-21312[F] dated 05/11/2020)

Order made in
W.P. (MD)No.15349 of 2020
Dated: **04.11.2020**

CK(CO)
TR(26.11.2020) 3P 6C