



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)No.13047 of 2018
and
W.M.P (MD)No.11910 of 2018

V.Kondalraj

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Assistant Director of Panchayat,
Madurai District,
Madurai.

3.The Block Development Officer,
Kallikudi Panchayat Union,
Kallikudi,
Madurai District.

4.The Special Officer,
S.Vellakulam Village Panchayat,
S.Vellakulam,
Kallikudi Panchayat Union,
Madurai District.

5.Mr.Periyasamy

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, forbearing the respondents from laying road or doing any work in the petitioner's patta land to an extent of 31 cents (0.12.5) Hectares) in S.Nos.46/1B2 in Sundarangundu Village, S.Vellakulam Village Panchayat, Kallikudi Panchayat Union, Madurai District.

For Petitioner : Mr.K.Hemakarthiskeyan

For R1 & R2 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For R3 : Mr.A.Muthukaruppan



O R D E R

This Writ Petition is filed to forbear the respondents from laying road or doing any work in the petitioner's patta land to an extent of 31 cents (0.12.5 Hectares) in S.Nos.46/1B2 in Sundarangundu Village, S.Vellakulam Village Panchayat, Kallikudi Panchayat Union, Madurai District.

2.Heard Mr.C.M.Marichellaiah Prabhu, learned counsel appearing for the petitioner, Mr.C.M.Marichellaiah Prabhu, learned Additional Government Pleader appearing for the respondents 1 & 2 and Mr.A.Muthukaruppan, learned counsel appearing for the third respondent.

3. According to the petitioner, the properties in S.Nos.46/1B in Sundarangundu Village, S.Vellakulam Panchayat, Kallikudi Panchayat Union, Madurai District was belonged to one P.Guruvammal. The petitioner has purchased the lands in S.Nos.46/1B to an extent of 31 cents from the said P.Guruvammal by a registered sale deed dated 01.07.1997 and after his purchase, the said property was sub divided into 46/1B2 by the proceedings of the Tahsildar, Tirumangalam dated 08.12.1997 and the said property stands in his name in the revenue records and he is in possession and enjoyment of the said property from the date of his purchase. An attempt was made by the respondents 3 & 4 to lay a road in his patta land in the year 2017 and the fifth respondent had made an attempt to mark the road in his patta land on 13.06.2018 and immediately, the petitioner opposed the same and the fifth respondent has informed the petitioner that the respondents 3 & 4 are going to lay a road in his patta land and he has also informed that he will create a road in his patta land by using his official power. Therefore, the petitioner has given a representation on 14.06.2018 and so far no action has been taken and hence, the petitioner has filed the present writ petition.

4. The third respondent filed counter affidavit and the relevant portion of the counter is extracted hereunder:-

"4. The averments made in para 2 of the affidavit that the Survey No.46/1B in Sundarangundu Village, S.Vellakulam Panchayat, Kallikudi Panchayat Union belonged to one P.Guruvammal and the revenue records stood in her name and the petitioner purchased the lands in Survey No.46/1B to the extent of 31 cents from the said Guruvammal through a registered deed and after the purchase, the land was sub-divided as Survey No.46/1B2 in the name of the petitioner is true. Further allegations that the petitioner having the entire extent of land and there is no road or vandipathai in the petitioner land and



there is no reference in the revenue record is false. The revenue records clearly shows that there was a pathway in 46/1B on the western side of the property and that was used longtime by the public.

6.The averments made in Para -4 of the affidavit that the third and fourth respondents taken steps to lay a road in the petitioner patta land in support of the land promoter is false. The third and fourth respondent after sanctioning of the funds from the Government laying the road belongs to the Government and that was used by the Public for long time and the representation of the public, the Government initiated to lay a road belongs to the Government and not in the petitioner's land."

5. The learned counsel appearing for the petitioner would submit that the matter may be disposed of by recording the aforesaid statement of the third respondent.

6. In view of the statement made by the third respondent in the counter affidavit, nothing survives for adjudication and hence, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Records)

// 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,
Madurai District,
Madurai.

2.The Assistant Director of Panchayat,
Madurai District,
Madurai.

<https://hcservices.ecourts.gov.in/hcservices/>



3.The Block Development Officer,
Kallikudi Panchayat Union,
Kallikudi,
Madurai District.

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+1 CC to SPL GP (SR-18462[F] dated 30/09/2020)

+1 CC to Mr.K. HEMAKARTHIKEYAN, Advocate (SR-18811[F] dated
01/10/2020)

W.P. (MD) No.13047 of 2018
29.09.2020

VB (07.10.2020) 4P 6C