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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-10-2021

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.25169 of 2013

And

MP No.1 of 2013

R.Alagammal

..Petitioner

vs.

1. The District Collector,
Salem District,
Collectorate,
Salem - 636 001.
2. The Block Development Officer,
Mecheri Union Office,
Mettur Taluk.
3. The Executive Engineer,
O/o.The Executive Engineer,
NABARD Scheme,
District Collector Office Complex,
Salem District.
4. The Assistant Executive Engineer,
O/o.The Executive Engineer,
NABARD Scheme,
District Collector Office Complex,
Salem District.
5. The Tahsildar,
Mettur Dam Taluk Office,
Salem District.
6. The President,
Vrudhasampatti Village,
Mettur Taluk,
Salem District.
7. The Inspector of Police,
Nangavalli Police Station.
Mettur Taluk,
Salem District.



8.Ragunathan @ Rangasamy

9.Marappan

10.Anbumani

..Respondents

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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 7 to restore the land measuring a total extent of 30 cents out of acre 1.30 in Survey No.12, Muniyappan Koyilur, Virudhachalampatti Village, Mettur Taluk, to its original condition by removing the thar road and providing compensation to the petitioner.

For Petitioner	:	Mr.P.Valliappan
For Respondents-1to7	:	Mr.K.M.D.Muhilan, Government Advocate.
For Respondent-8	:	No Appearance
For Respondents-9 & 10	:	Mr.V.Raghavachari

O R D E R

The relief sought for in the present writ petition is to direct the the respondents 1 to 7 to restore the land measuring a total extent of 30 cents out of acre 1.30 in Survey No.12, Muniyappan Koyilur, Virudhachalampatti Village, Mettur Taluk, to its original condition by removing the thar road and providing compensation to the petitioner.

2. The very nature of relief indicates that it relates to a civil suit.

3. The leaned counsel for the petitioner made a submission that S.A.No.776 of 2011 is pending with reference to the civil right involved regarding the subject property.

4. It is contended that the respondents 1 to 7 are attempting to form a Thaar Road, which prompted the petitioner to file the present writ petition.

5. The learned Government Advocate appearing on behalf of the respondents 1 to 7 made a submission that a Settlement Deed was executed by the father of the writ petitioner on 18.12.2000 in favour of Panchayat for the purpose of formation of public road.



6. Based on the Settlement Deed executed by the father of the petitioner, the Authorities have to form Thaar Road for public usage. However, the issues raised are subjudiced in Second Appeal No.776 of 2011.

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7. When the civil rights of the petitioner are yet to be crystallised, the Writ Court cannot issue any direction as such sought for in the present writ petition. Thus, the petitioner has to establish her civil right in the civil proceedings already instituted and pending before the High Court. However, the disposal of the present writ petition will not be a bar for the parties to form the public road in accordance with law.

8. With the abovesaid observations, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Svn

To

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Nangavalli Police Station.
Mettur Taluk,
Salem District.

+1cc to Mr.P.Valliappan, Advocate Sr No.54321
+1cc to the Government Pleader Sr No.55117

WP No.25169 of 2013

GSM (CO)
PR (12/11/2021)