

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2021

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.30657 of 2013

and

M.P.No.1 of 2013

(Through Video Conferencing)

P.Maranayakan

... Petitioner

.Vs.

1. The District Collector,
Collector Office,
Coimbatore.
2. The Thasildar,
Coimbatore North Taluk office,
Coimbatore.
3. The Block Development Officer,
Annur Panchayat Union,
Coimbatore Road, Annur,
Coimbatore North Taluk - 641 653.
4. The Village President,
Pogalur Panchayat Office,
Coimbatore North Taluk,
Coimbatore District.
5. K.P.D. Constructions,
Rep. by its Director,
Sixth Road, Puthampur Village,
Thalapatty Post, Karur.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the respondents from lay Thar Road in petitioner's patta land in Kuppanur Village S.F.No.771/2, S.F.No.771/4, 770/3, S.F.No.685/3, 686/3 and S.F.No.654, S.F.No.663 Pogalur Village, Coimbatore North Taluk Coimbatore District.

For Petitioner

: Mr.AR.L.Sundaresan
Senior Counsel
for S.Sithirai Anandam

For 1st & 2nd Respondents : Mr.M.Illayaraj,
Government Advocate

For 3rd and 4th Respondents: No appearance

O R D E R

This Writ Petition has been filed for forbearing the respondents from lay Thar Road in petitioner's patta land in Kuppanur Village S.F.No.771/2, S.F.No.771/4, 770/3, S.F.No.685/3, 686/3 and S.F.No.654, S.F.No.663 Pogalur Village, Coimbatore North Taluk Coimbatore District.

3. The 3rd respondent in the counter affidavit has stated as follows:-

"that he approached the Annur Thasildar to peruse all the revenue records in the writ petition filed by the petitioner named Maranayakan son of Ramanayakan, Kakkumallampudur, Kuppanoor Village, Annur Taluk, Coimbatore District. The Thasildar has stated that there is a "Nilaviyal Salai" in S.F.Nos.771/2, 771/4, 770/3, in Kuppanoor Village, which Nilavaial Salai is a Cart Track which is leading from Kuppanoor Village and through Ottarpalayam village to Pogalur village, Mettupalayam to Annur Main Road, now the District Collector of Coimbatore after surveying all the records has given consent to lay Thar road on 29.08.2013, "up graduation of the (1) Km 20/0 of AM road to Kakkumallam Pudur road Km 0/0-2/1 Km 2/(6) of the AM road to Veppampalampudur Km 0/0-0/7 under PMGSY VIII - Package No. TN-02-71 in Annur block."

4. It is the case of the petitioner that the above averments in the counter is not correct and therefore, there is an attempt to put road on the property of the petitioner. Since there are disputed questions of facts, I am of the view that no final adjudication can be made in this Writ Petition regarding the rights of the petitioner.

5. Earlier an interim order of status-quo was granted on 12.11.2013. However, it was subsequently revoked. Be that as it may, since the rights of the petitioner on the land requires to be adjudication, to meet the ends of justice, I am of the view that limited relief can be granted to the petitioner for a period of two months from the date of receipt of a copy of this order. In case no road has been put up, the respondent shall maintain the status-quo for the aforesaid period alone.

6. The petitioner is at liberty to approach Civil Court for a proper relief. The Civil Court shall consider the prayer of the petitioner whether to grant or not to grant any interim relief to the petition on merits in accordance with law.

7. Accordingly, this Writ Petition stands disposed of. No cost. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Collector Office, Coimbatore.
2. The Thasildar,
Coimbatore North Taluk office,
Coimbatore.
3. The Block Development Officer,
Annur Panchayat Union,
Coimbatore Road, Annur,
Coimbatore North Taluk - 641 653.
4. The Village President,
Pogalur Panchayat Office,
Coimbatore North Taluk,
Coimbatore District.

+1cc to Mr.S.Sithirai Anandam, Advocate, S.R.No.986
+1cc to the Government Pleader, S.R.No.770

rr ii (27/01/2021)

W.P.No.30657 of 2013
and M.P.No.1 of 2013