



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 34971 of 2012

G.Janarthanam

...Petitioner

Vs

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Tahsildar,
Cheyyar Taluk,
Cheyyar - 604 407,
Tiruvannamalai District.
3. The Block Development Officer,
Anakkavoor,
Cheyyar,
Cheyyar Taluk,
Tiruvannamalai District,
4. The Village Administrative Officer,
Thenkalapakkam Village,
Cheyyar Taluk,
Tiruvannamalai District.
5. The Village President,
Thenkalpakkam Village,
Cheyyar Taluk,
Tiruvannamalai District.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the respondents and their subordinates from disturbing the petitioner possession and forming the road in the petitioner house site measuring 10,800 sq.ft. in Grama Natham S.No.183/5A, Thenkalpakkam Village, Cheyyar Taluk, Tiruvannamalai District bounded on the North by Road Street and Land belong to Rajaram Naidu, South by Rajagopal Naidu Punja land and Pathway leading to colony, East by land belong to Elumalai, West by pathway leading to Colony.



WEB COPY

For Petitioner : Mr.P.Mani

For Respondents : Mr.C.Selvaraj
Additional Government Pleader
[For R1 , R2 and R4]

Mr.P.Chinnadurai
[For R3 and R5]

ORDER

The relief sought for in the present writ petition is to forbear the respondents and their subordinates from disturbing the petitioner's possession and forming the road in the petitioner's house site measuring 10,800 sq.ft. in Grama Natham S.No.183/5A, Thenkalpakkam Village, Cheyyar Taluk, Tiruvannamalai District bounded on the North by Road Street and Land belong to Rajaram Naidu, South by Rajagopal Naidu Punja land and Pathway leading to colony, East by land belong to Elumalai, West by pathway leading to Colony.

2. The grievances of the writ petitioner is that, the petitioner is in possession of the subject property and he is entitled for the same and possessing documents to that effect. However, the respondents are attempting to form a public road in that locality, affecting the rights of the petitioner. Thus, the petitioner is constrained to move the present writ petition.

3. The letter of the Block Development Officer, Anakkavoor, dated 31.08.2021 reveals that the subject property belongs to the Revenue Department and therefore, the Revenue Authorities made an attempt to form a road in that locality for the benefit of the public at large. In view of the filing of the writ petition, the further actions are kept pending.

4. This Court is of the considered opinion that if the property belongs to the Government, then the authorities must be allowed to form road for the benefit of the public at large. If at all, the petitioner claims ownership or title in respect of the subject property, the petitioner has to establish the same before the competent Civil Court of Law. Contrarily, issue relating to title and ownership of an immovable property cannot be adjudicated in a writ proceedings under Article 226 of the Constitution of India. Thus, the petitioner if at all aggrieved or of the opinion that his private lands are taken for the purpose of forming a public road, he is at liberty to approach the competent Civil Court of Law. Equally, if the land belongs to the Government, the Revenue Authorities are empowered to initiate all further actions to form road for the benefit of the public.



WEB COPY

5. With this liberty, the writ petition stands disposed of.
No costs.

Sd/-
Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

nti/jeni

To

1. The District Collector,
Tiruvannamalai District,
Tiruvannamalai.
2. The Tahsildar,
Cheyyar Taluk,
Cheyyar - 604 407,
Tiruvannamalai District.
3. The Block Development Officer,
Anakkavoor,
Cheyyar,
Cheyyar Taluk,
Tiruvannamalai District,
4. The Village Administrative Officer,
Thenkalapakkam Village,
Cheyyar Taluk,
Tiruvannamalai District.
5. The Village President,
Thenkalpakkam Village,
Cheyyar Taluk,
Tiruvannamalai District.

+1cc to Mr.P.Chinnadurai, Advocate, S.R.No.60256

W.P.No. 34971 of 2012

NMI (CO)
SB(07/12/2021)